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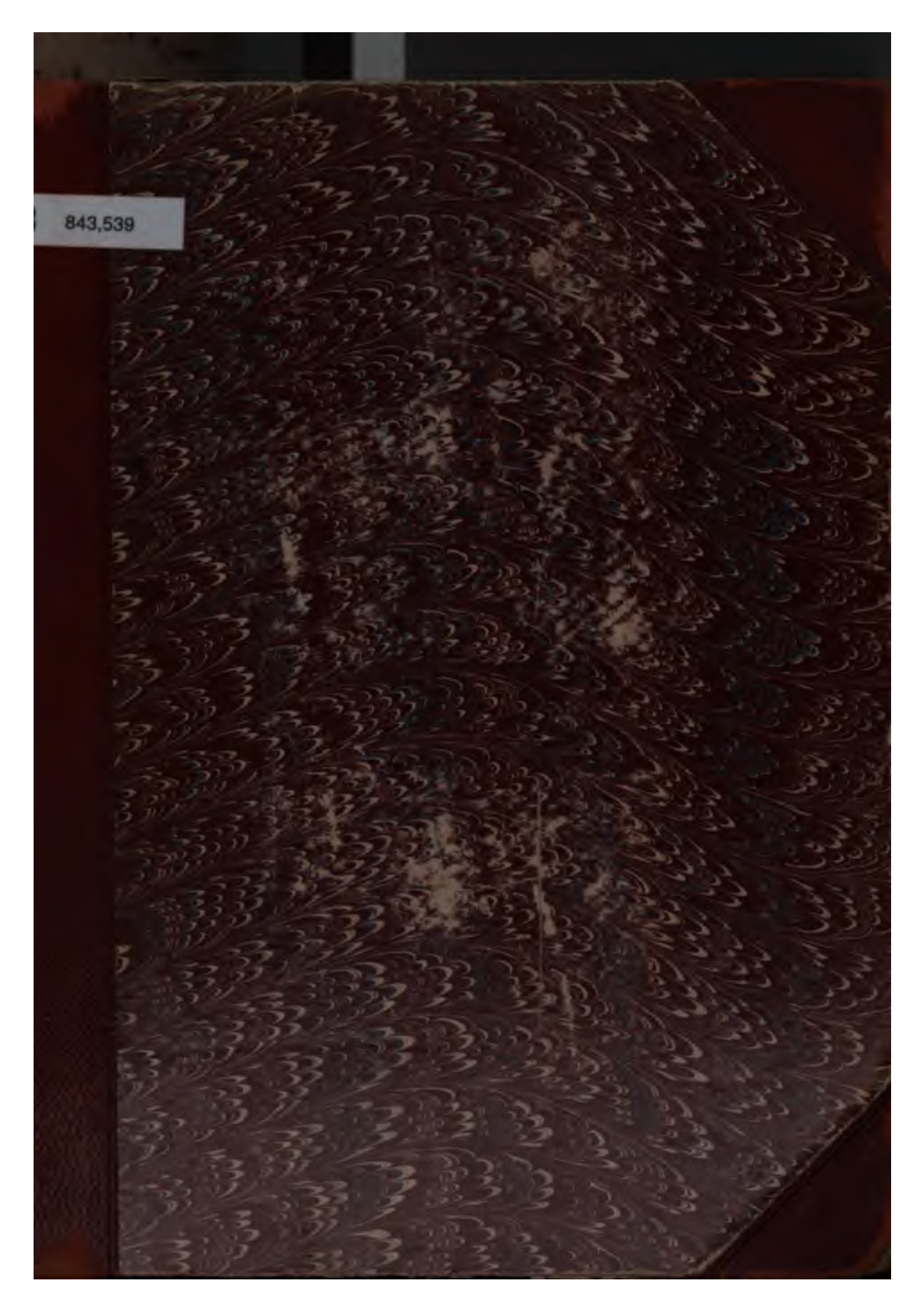
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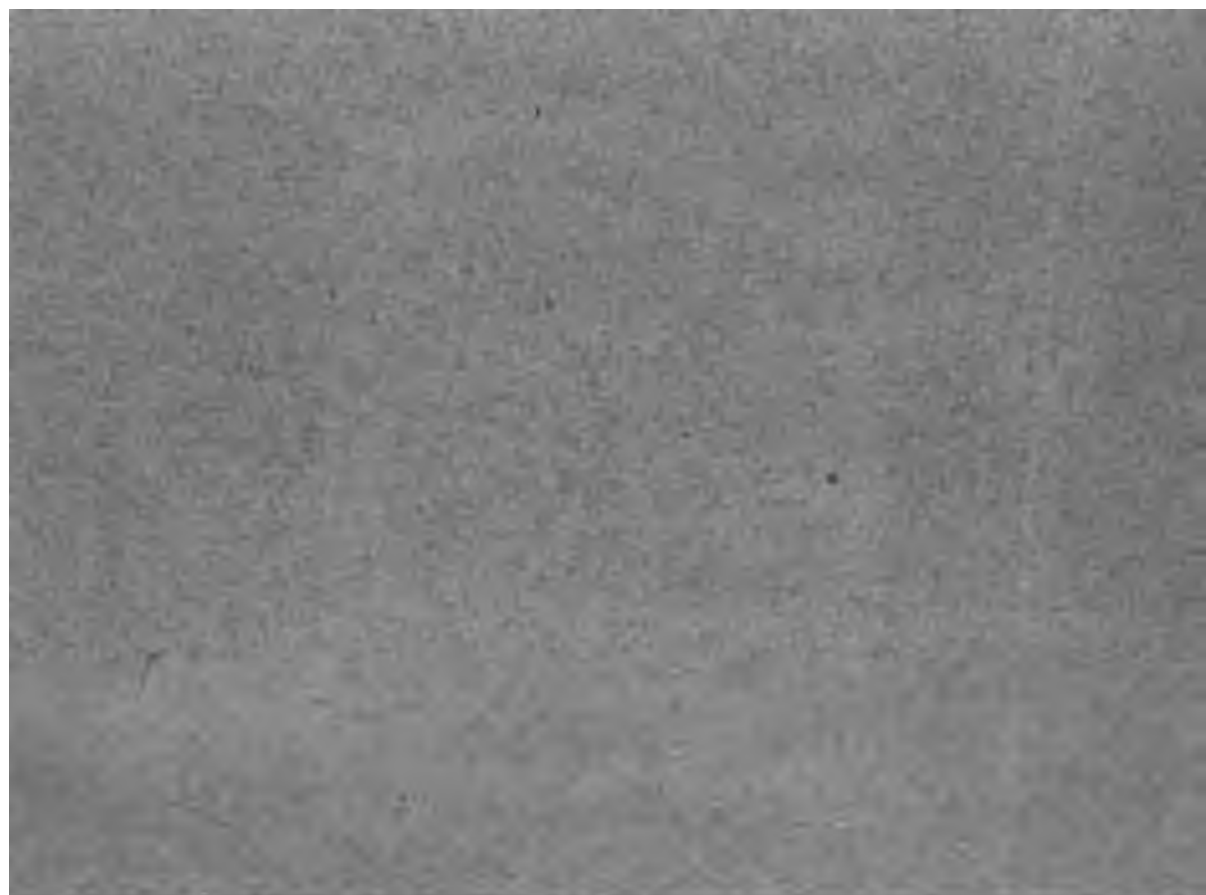
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## EDWARD RANDOLPH.

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**Boston:**

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**TWO HUNDRED AND FIFTY COPIES.**

# EDWARD RANDOLPH;

INCLUDING

HIS LETTERS AND OFFICIAL PAPERS FROM THE NEW ENGLAND,  
MIDDLE, AND SOUTHERN COLONIES IN AMERICA, WITH  
OTHER DOCUMENTS RELATING CHIEFLY TO THE  
VACATING OF THE ROYAL CHARTER OF THE  
COLONY OF MASSACHUSETTS BAY.

1676-1703.

WITH HISTORICAL ILLUSTRATIONS

AND A

## MEMOIR

BY ROBERT NOXON TOPPAN, A.M.

MEMBER OF THE AMERICAN ANTIQUARIAN SOCIETY, THE AMERICAN  
PHILOSOPHICAL SOCIETY, THE COLONIAL SOCIETY  
OF MASSACHUSETTS, ETC.

IN FIVE VOLUMES.

VOL. II.

**Boston:**

PUBLISHED BY THE PRINCE SOCIETY.

1898.

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## MEMOIR.

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ON the 15th the Council ordered that Capt. Clapp should surrender the command of the Castle, and should give an account of the warlike stores there,<sup>1</sup> and on the 24th Mr. Rawson was ordered "to deliver up the keys of the Records,"<sup>2</sup> but to this command of the Council the former Secretary paid no attention. Not only was Randolph harassed and opposed by the colonists, but even those who should have aided him did much to embarrass and thwart him. Capt. George of the *Rose*, and Capt. St. Loe of the frigate *Dartmouth*, which had recently arrived, did not

<sup>1</sup> *Council Records of Massachusetts*, Vol. II. 15 September, 1686. At the same meeting John Gold's fine was reduced to 20*l*. The Treasurer was ordered to pay 21*l* on account of the wine drunk "on the entrance of his Maj<sup>y</sup> Government"; permission was granted to Richard Crisp to build a fencing school: petition about removing the Eleutherians to Casco Bay was

granted. See *Massachusetts Archives*, Vol. CXXVI. p. 84, *post*.

<sup>2</sup> *Council Records of Massachusetts*, Vol. II. At this meeting permission was refused to Capt. St. Loe of the *Dartmouth* frigate to build a bonfire on land [to celebrate the Queen's birthday] as it might lead to tumult. On the 27th the Council "received & read Capt. Blackwell's proposals for erecting a Bank of Credit."

not hesitate to throw obstacles in his way,<sup>3</sup> and also to annoy the inhabitants of the town. The conduct of those naval officers became such that the Council finally ordered them to appear before them, a summons more than once repeated, but which they neglected with contemptuous expressions.<sup>4</sup> The decided attitude of Randolph and of the Council, however, had its effect.<sup>5</sup> Not having succeeded in

<sup>3</sup> *Massachusetts Archives*, Vol. CXXVI. p. 121. To the honourable the President and Council of his Ma<sup>ty</sup> Territory and Dominion of New England, 21 October, 1686, *post*. Capt. George and Capt. St. Loe attempted to rescue a sailor of the Rose arrested by Randolph for obstructing his deputies in the discharge of their duty. The rescue was defeated by the courage of the constable.

<sup>4</sup> *Council Records of Massachusetts*, Vol. II. 21 October, 1686. "Capt. George and Capt. St. Loe enjoined to attend to-morrow at ten of the clock in the morning." "Ordered that M<sup>r</sup>. Addington & M<sup>r</sup>. Bullivant attend M<sup>r</sup>. Rawson on Saturday next, to assort, take an account and receive the Records of the late Govern<sup>mt</sup> and deliver them to the Secretary." The naval officers sent an answer "as for the Council, they had nothing to do with them." "Capt. George Saintloe and Capt. John George called thrice to come into Council but did not appear." Another summons with the seal of the President and Council and signed by the Secretary to appear before his Majesty's Council the next day was then issued. Orders were also sent to those officers that none of their crews should be allowed on shore after candle light, as complaints had been made by the inhabitants of the behaviour of the sailors. The sailor arrested by Mr. Randolph acknowledged before the Council that he had orders

to prevent Mr. Randolph or any of his deputies from seizing the vessel, on board of which he had been placed.

On the 22d the Council granted the petition of Robert Wright, who had been defrauded of one hundred pounds worth of goods by Capt. George, to proceed against the said officer, by process of common law. "Capt. George and Capt. Saintloe called but did not appear." "Mr. Secretary is directed to acquaint the said Captaine Saintloe that the injunction made for his attendance in open Court the 21<sup>st</sup> Instant doth in the force of Law pass any summons he hath or may receive."

<sup>5</sup> *Massachusetts Archives*, Vol. CXXVI. p. 134. Letter of Joseph Dudley to Edward Randolph, 25 October, 1686, *post*.

On the 27th the Council fined a seaman belonging to the Dartmouth twenty shillings for abusing a constable, and "he is left to his captain to be punished for his swearing and other disorders."

On the 9th of November the Council "ordered that John Gold be discharged of his Bond for the good behaviour." "Upon complaint of Edward Gove relating to Mr. Cranfield's sale of said Gove's estate it is Ordered that a Report be made to his Maj<sup>ty</sup> of Esq. Cranfield's estate in New England, and what money was received by him of such persons as purchased the estate of Edward Gove." On the 11th the constables

in prevailing upon the Council to grant a salary to Mr. Ratcliffe from the public treasury or from the collections of the three Congregational churches of Boston, Randolph wrote an urgent letter to the Archbishop of Canterbury praying that the money sent from England to evangelize the Indians of New England might be used to build a church for Mr. Ratcliffe and help to support him in his ministry. "Wee have at present 400 persons who are daily frequenters of our church, and as many more would come over to us, but some being Tradesmen, others of mechanick professions, are threatened by the Congregationall men to be arrested by their creditors, or to be turned out of their work, if they offer to come to our church. Here are 7 persons called commissioners or trustees, the chief of which are Mr. Dudley, a man of a base, servile, and anti-monarchicall principle, Mr. Stoughton of the old leaven, and others like to these, who have the sole management of the money sent to the Indians, amounting to 3 or 400*l*, (some say 600,) with which they enrich themselves, yet charge it all as layd out among the poore Indians. The poor Indians (those who are called ministers) come and complaine to Mr. Ratcliffe that they have nothing allowed them; all we can gett is the promise of a coarfe coat against winter, and would not suffer Aaron, an Indian teacher, to have a bible with the common prayer in it, but took it away from him. I humbly presume to remind  
your

stables' staves were ordered to be made seven feet long and painted "with the King's Armes after the mode of London."

The documents relating to the trial

of John Gold, or Gould, with his petitions, legal costs, etc. are printed in the *Massachusetts Historical Society Collections, Third Series*, Vol. VII. p. 150, *et seq.*



your Grace of your promise to me, when in England, that a commission should be directed to some person here, unconcerned, to audit and report their acts of this money. We want good schoolemasters, none being here allowed of but of ill principle, and till there be provision made to rectifye the youth of this country, there is noe hopes that this people will prove loyall. The money now converted to private, or worse uses, will set up good and publick schooles and provide maintenance for our minister. The necessity of a church and publicke schooles and encouragement of ministers presses me to give your Grace this trouble, which I humbly intreat your grace to remember to effect, least the small beginnings of the Church of England settled here with great difficulty, fall to the ground and be lost, for want of timely relief and countenance."<sup>6</sup>

It being expected that Sir Edmund Andros would arrive some time in November, the Council "ordered that the Deputy President, M<sup>r</sup> Secretary and M<sup>r</sup> Wharton upon the first

<sup>6</sup> *Hutchinson's Collection of Papers*, Prince Society, Vol. II. p. 294. Mr. Randolph to the Archbishop of Canterbury, 27 October, 1686, *post*. See *Hutchinson's Massachusetts Bay*, 2d ed., Vol. I. p. 363. "The monies, applied for the propagation of the gospel among the Indians, amounted to six or seven hundred pounds sterling, per annum, which continued to be intrusted with some of the old magistrates and ministers. Mr. Boyle, who had been long Governor of the corporation in England, was a very moderate Churchman, and most of the members were dissenters or favourers of the cause. The Archbishop of Canterbury promised Randolph that a commission should be

directed to some persons to audit and report the accounts of that money. The legality of such a commission, it being contrary to the charter of the corporation, might have been questioned, perhaps, with as good reason as the legality of the royal order, which his grace and the six bishops soon after very justly refused to obey. One would think, that merely a difference of place should not make the same measure, towards English subjects, appear reasonable in the one case, and arbitrary and oppressive in the other. The Archbishop either altered his sentiments or was diverted by greater affairs from pursuing his design."

first advice of the arrivall of Sir Edmond Andros from England do attend him up to Towne." Orders were also given for hoisting the King's colours, for receiving the Governor with military honors, and "that a Pipe of Wine be put in some convenient place nere the Towne House to be bestowed amongst the Souldiers that shall arrive with S' Edmond Andros."<sup>7</sup>

As the temporary government was drawing to a close, the Council thought fit to pay from the treasury whatever sums were due to its members. Among others, "Mr. Secretary Randolph was ordered to be paid fifty pound for his extraordinary services in the publick affaires."<sup>8</sup> Another effort was

<sup>7</sup> *Council Records of Massachusetts*, Vol. II. 11th November, 1686. "That the Gunners of Boston and Charlestowne put out his Maj<sup>ty</sup> Colours on the Forts and Sconces, and have their Gunns ready according to method, and that they prepare the second firing according to the signe to be given them from the Town House. That the Major and his Regiment be in armes at the water side to receive the Governor. That the Capt<sup>o</sup> of the Castle have his Company ready in armes at a Quarter of an houres warning, and be personally present at the Castle to meet & salute the Governour in passing up to Towne."

On the same day Sewall writes in his *Diary*: "I delivered my commission to the Council, desiring them to appoint a Captain for the South Company." On the 5th he had noted that "one Mr. Clark [of the English Church] preaches at the Town-House. Speaks much against the Presbyterians in England and here."

Wait Winthrop wrote to Fitz-John Winthrop at New London on the 19th: "The newes from England says that the

King had rec<sup>d</sup> an adresse from Rhode Island signifying their Gen. Courts Submission of themselves and charter to his Maj<sup>ty</sup> pleasure, which his Maj<sup>ty</sup> saw cause to accept, and tis sd to be annexed to this place. If S' Edmund come you must come down hither." *Massachusetts Historical Society Collections, Fifth Series*, Vol. VIII. p. 468.

<sup>8</sup> *Council Records of Massachusetts*, Vol. II. 18th November, 1686. "Capt. Winthrop's salary as Captain of the Castle shall begin from the 10th of June last at the rate formerly ordered by this Court; and that he be paid tenn pounds more at this time. That Mr. Treasurer Usher be allowed tenn pounds for his service in visiting the Provinces of New Hampshire, Maine, &c."

On the 23d, Giles Dyer, Deputy Collector, was allowed twenty-five pounds for his extraordinary services; and Mr. Treasurer was allowed ten pounds in addition to what was voted on the 18th "for his extraordinary care and service"; and thirty pounds to be sent to the poor French who had settled in the Narraganset country.

was made to obtain from Mr. Rawson the papers belonging to his office, and a warrant was issued that they should be immediately delivered to a committee appointed for that purpose, and be lodged in the Library Chamber.<sup>9</sup> One of the last acts of Randolph under Dudley's presidency was to prohibit Samuel Greene, the printer, from publishing an almanac without his license.<sup>10</sup>

On Sunday, the 19th of December, Sir Edmund arrived in the harbor,<sup>11</sup> and the next day coming up to town in his pinnace

\* *Council Records of Massachusetts*, Vol. II. 8th December, 1686. "Mr. Lynd and Mr. Bullivant are empowered and hereby ordered to take the same from Mr. Rawson tomorrow and to remove them in the posture they are now in, into the Library Chamber, and that there go forth a strict Warrant to Mr. Rawson to deliver them accordingly." At the same meeting the inhabitants of Worcester were empowered to choose five men to manage their prudential affairs. "*Ordered* That the President be paid Fifty pound by the Treasurer, Major Gidney twenty pound; Jonathan Tyng twenty pound; Mr. Bullivant Clerk of the Council five pound."

The last entry was dated 16th of December and relates to the ministry of the Rev. Michael Wigglesworth at Malden. The Council ordered that his salary should be paid him according to agreement, he being well enough to resume his duties. The records were attested by Randolph on the 20th of December.

<sup>10</sup> *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 663. Benjamin Bullivant to Samuel Greene, 29 November, 1686, *post*. For a short account of Dr. Benjamin Bullivant, a London physician, who came to Boston about 1685, and who became

Attorney General, see *Annals of King's Chapel*, by Henry W. Foote, Vol. I. p. 46.

John Usher, the Treasurer, married a daughter of Lady Lisle. See *Palfrey's History of New England*, Vol. III. p. 494, note, ed. 1864.

<sup>11</sup> *Diary of Samuel Sewall*. "Sabbath Dec. 19, 1686. As I was reading the Exposition of Habakkuk, 3<sup>d</sup> which this morn sung and read in the family, I heard a great Gun or two, as I supposed, which made me think Sir Edmund might be come; but none of the family speaking of it, I held my peace. Going to Mr. Bradstreet's, Tho. Baker told me Sir Edmund was below, which Winchcomb and Brisco confirmed; said they saw the Frigate with the Flag in the main Top, and sundry gon down. President and Deputy come to Town; President comes and hears Mr. Willard whose text was Heb. 11. 12. Mr. Willard said he was fully persuaded and confident God would not forget the Faith of those who came first to New England, but would remember their Posterity with kindness."

*Massachusetts Historical Society Collections, Fifth Series*, Vol. VIII. p. 471. Wait Winthrop to Fitz-John Winthrop. "Boston Decemb<sup>r</sup> 20<sup>th</sup> 1686. Deare Brother. Yesterday morning, being Sabbath-day,

pinnacle was received at his landing by the President, Mr. Bradstreet, Mr. Danforth, and others. Wearing a scarlet coat laced, and accompanied by several officers in their brilliant uniforms, the Governor passed through the guards of the eight companies of the Massachusetts troops to the Town House, where were assembled several of the councillors and the ministers. At the dinner Mr. Mather said grace, and not Mr. Ratcliffe. The Governor asked the ministers if the hours of service could not be so arranged that one of the meeting-houses could be used for two assemblies.<sup>12</sup> This

request

Sabbath-day, S<sup>r</sup> Edmond Andros arrived at Nantasket. We were some of us downe in the afternoone to know his commands, and preparing to receive his Excellency in as futable manner as may be. He inquired for you as soon as I came on bord, and sayes you must come, being of the Councill. I told him I expected you this week."

<sup>12</sup> *Diary of Samuel Sewall*. "Monday, Dec<sup>r</sup> 20 1686. Governor Andros comes up in the Pifface, touches at the Castle. Lands at Gov<sup>r</sup> Leveret's wharf about 2 P. M, where the President &c. meet him and so march up through the Guards of the 8 Companies to the Town-House, where part of the commission is read: He hath power to suspend Councillors and to appoint others if the number be reduced to less than seven. He and Council to make Laws. Then took the oath of allegiance and as Governor, then about eight of the Council sworn. Court clear'd. Governor stood with his Hat on when oaths given to Councillors. It seems speaks to the Ministers in the Library about accommodation as to a Meeting-house, that might so contrive the time as one House might serve two Assemblies. Governor was in a Scarlet Coat Laced;

several others were in Scarlet. Mr. Bradstreet and Mr. Danforth there, to meet the Governour at the wharf. At dinner Mr. Mather crav'd a Blessing. The day was serene but somewhat cold."

For Andros's commission and instructions see *State Papers, Colonial, Entry Book* 61, p. 270. "On the 24<sup>th</sup> of March 1685-6, Their Lo<sup>ps</sup> order the Draught of a Commission to be prepared for a Governour for New England and on the 25<sup>th</sup> of May His Maj<sup>ty</sup> was pleased to nominate Sir Edmund Andros to be Captain Generall and Governor in chief of New England." The commission signed on June 3d gave the Governor and Council power to make laws, not repugnant to those of England, to be transmitted within three months for the King's approbation; to erect courts of justice with right of appeal to the King in cases of above £300 value; to impose taxes; to grant lands upon moderate quit rents; to give liberty of conscience, but all persons who conform to the rites of the Church of England to be particularly countenanced and encouraged; all marriages according to the customs of Massachusetts confirmed. The Governor to receive

request was considered at a meeting of the ministers and four of the laity of each congregation, who decided they "could not with a good conscience consent that our Meeting-Houses should be made use for the Common-Prayer Worship."<sup>13</sup>

At the meeting of the Council, the first day, at which were present seven members besides the Governor and Mr. Randolph, the Secretary,<sup>14</sup> the required oaths having been administered,

ceive £1200 a year. Pemaquid to be annexed.

On the 12th of September instructions were given to the Governor which included Massachusetts, New Plymouth, New Hampshire, Maine, and Narraganset country, and appointing as members of the Council "Joseph Dudley, William Stoughton, Robert Mafon, Thomas Hinckley, Walter Clark, John Fitz Winthrop, John Pinchon, Peter Buckley, Wait Winthrop, Richard Wharton, John Usher, Bartholomew Gidney, Jonathan Tyng, John Hinks, Edward Ting, Barnaby Lathrop, John Sandford, William Bradford, Daniel Smith, John Walley, Nathaniel Clark, John Coxshall, Walter Newberry, John Green, Richard Arnold, John Alborough, and Edward Randolph." The Council, the vacancies in which could be filled by the Governor, were to have freedom in debate and in voting; to report concerning Mr. Dudley's petition for lands lying on the River Merrimack, and Mr. Wharton's petition for lands in Maine; to report about the title to the Narraganset country; to prohibit trading with Africa without leave of the Royal African Company; to pass a law against Pirates. The next day additional instructions were given. See *Massachusetts Archives*, Vol. CXXVI. p. 160. "Road Island and providence Planta-

tion, taking notice of our writt of quo warranto, and having declared their Resolution not to stand suite and have submitted, our will and pleasure is to demand in our name the surrender of their 1<sup>st</sup> charter, taking them under your government; and if Connecticut should be induced to surrender its charter you are hereby authorized to receive such surrender and take that colony under your government." On the 31st of October instructions were given solely in regard to enforcing the Acts of Navigation and Trade. See *Massachusetts Archives*, Vol. VII. pp. 2, 3.

<sup>13</sup> *Diary of Samuel Sewall*. "Tuesday Dec. 21, 1686. There is a meeting at Mr. Allin's etc. Dec. 22. King's-fisher comes up but neither salutes the Castle nor the Town. In the evening Mr. Mather and Willard thorowly discoursed his Excellency about the Meeting-Houses in great plainness, showing they could not consent. This was at his Lodging at Madam Taylor's. He seems to say will not impose."

<sup>14</sup> *Andros Records*, belonging to the American Antiquarian Society. These records are the original minutes of the early Council meetings brought to light a few years ago and sent anonymously to the Society. "At a Councill held in Boston

administered, Sir Edmund produced the King's warrant for using a "Great Seal" for the new government, which he had brought with him, and stated that all officers, civil and military, were to continue in their posts until further orders, and the duties and imposts to remain the same. The 30th of December being selected as the date for a general meeting of the Council, notices were ordered to be sent by the Secretary to the absent members, and also to New Plymouth and Rhode Island.<sup>15</sup> On the 21st, Mr. Jonathan Tyng was sworn,

Boston in his Ma<sup>ty</sup> Territory and Dominion of New England on Monday December the 20th 1686. Present: His Exc<sup>l</sup> S<sup>r</sup> Edmund Andros K<sup>m</sup> Governor, Joseph Dudley, William Stoughton, Peter Buckley, Richard Wharton, John Usher. Bartholomew Gedney, Wait Winthrop, and Edward Randolph, Secy." In the *Council Records of Massachusetts*, Vol. II. p. 105, at the State House the name of Wait Winthrop is not mentioned as being present; see also *Massachusetts Archives*, Vol. CXXVI. p. 164, in Randolph's handwriting, giving Wait Winthrop's name as present.

For an account of sending the long lost Andros Records from Newburyport by an unknown hand to the Society in Worcester, see remarks by the accomplished librarian, Mr. Haven, in the Proceedings of the American Antiquarian Society for April, 1861, who also notes the differences in the text between the original records and the transcripts sent to England, which were copied in manuscript for the State of Massachusetts.

<sup>15</sup> *Andros Records*. "His Ma<sup>ty</sup> Commission for Government directed to his Excell: S<sup>r</sup> Edmund Andros, knight, was published and the oath of allegiance

was administered to his Exc<sup>y</sup> by Joseph Dudley and the members then present together with the oath for the due execution of Justice by his Ma<sup>ty</sup> said commission enjoined to be taken. His Exc<sup>y</sup> gave the oath of allegiance and the oath for the due administration of Justice above mentioned to the members of his Ma<sup>ty</sup> Council then present." The seal was then shown with the warrant. The court to be held the next day at Charlestown was adjourned to the 4th of January; order for officers to continue and duties to remain the same; Sir Edmund showed an order from the King to take Rhode Island into his government upon surrender of the charter; notices to be sent for the general meeting on the 30th; adjourned to the next day at one o'clock.

In *Massachusetts Archives*, Vol. CXXVI. p. 165, are the summons to meet in Council on December 30, addressed to Mr. Mafon, Major Pinchon, Jo. Hinks, Coll. Ting, in Randolph's handwriting, *post*.

The draft about the officers and duties is in Randolph's handwriting. See *Massachusetts Archives*, Vol. CXXVI. p. 164.

The letter to Plymouth Colony is not in the printed records of the Colony, and

sworn, and took his place at the meeting of the Council, at which orders were passed to forward copies of the Governor's declaration to the clerks of the county courts for their direction; the Castle to be speedily repaired, and that "Mr. Gibb's house on Fort hill be made fit for the accommodation of the foot Companies of Souldiers<sup>16</sup> and that some fit person be sent with his Ex<sup>ces</sup> Letter to the Gov<sup>r</sup> and Company of Connecticut" notifying them that upon surrender of their Charter they would become part of the new Dominion;<sup>17</sup> and Treasurer Usher to bring in his accounts.<sup>18</sup> The official letter of Sir Edmund to Governor Treat was accompanied by a personal one from Randolph: "His Ma<sup>ty</sup> hath commanded me to serve another Writt of Quo Warranto upon you. You find by a Letter from his Excellence herewith sent you that as yet a door is open for you. You have no way to make yourselves happy but by an early application to his Excellence, which is all, and more then you might expect to hear from me with whom you have  
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and is not found in the unpublished Massachusetts archives. The letter to Rhode Island is found in the *Rhode Island Colonial Records*, Vol. III. p. 219, *post*.

The letter of Randolph to Fitz-John Winthrop at New London is found in the *Massachusetts Historical Society Collections, Sixth Series*, Vol. III. p. 476, *post*.

<sup>16</sup> *State Papers, Colonial, Bundle 55* (447). Establishment of 2 Foot Companies in N. Eng<sup>d</sup>, 30 August, 1686, *post*.

*Diary of Samuel Sewall*. "Tuesday, Dec<sup>r</sup> 14. Capt. Legg arrives who brings 60 Beds for Soldiers, and a consider-

able quantity of Goods for the Governor. 120 Soldiers to come. Friday, Dec<sup>r</sup> 24. About 60 Red-Coats are brought to Town, landed at Mr. Pool's Wharf, where drew up and so marched to Mr. Gibb's house at Fort-hill."

<sup>17</sup> *Massachusetts Archives*, Vol. CXXVI. p. 167. Letter of Sir Edmund Andros to Gov. Treat of Connecticut, 22 December, 1686, in Randolph's handwriting, *post*. Printed in *Colonial Records of Connecticut*, Vol. III. p. 376.

<sup>18</sup> *Andros Records*, 21 December, 1686. Also *Massachusetts Archives*, Vol. CXXVI. p. 205.

## Edward Randolph.

I I

so often and unkindly trifled with. However, I will not be disoblighd." <sup>19</sup>

On the 25th, Christmas day, Mr. Ratcliffe and the congregation in the Town House were gladdened by the presence of Sir Edmund, who was escorted by Capt. George walking on his left side and a soldier on his right, the regular troops having been landed the day before.<sup>20</sup> Church and State seemed now to have obtained a firm foothold in the Puritan Province. Among other letters written by Randolph at this time was one to Major Pincheon, urging him to take his place at the Council board as soon as he could, which, however, Mr. Pincheon did not do until the 23d of February. In this letter he speaks of the Connecticut people: "I hear the little Quacks there are endeavoring to divert their coming under one government, but his Excellency has his Majesty's commands to accept of their surrender, which they cannot avoid. Be careful of yourself and speedy. We have Road Island already, and I fear not Connecticut. A dutifull submission will well become them, and place them in his Majesties favour. His Excellency will propose greater advantages for their ease and happiness than their weak phancy's can project."<sup>21</sup>

On

<sup>19</sup> *Colonial Records of Connecticut*, Vol. III. p. 375. Edward Randolph to Gov. Treat. 23 December, 1686, *post*.

<sup>20</sup> *Diary of Samuel Sewall*. "Saturday Dec<sup>r</sup> 25. Governour goes to the Town-House to service Forenoon and Afternoon, a Red-Coat going on his right hand and Capt George on the left. Was not at Lecture on Thursday. Shops open to-day generally and persons about their occasions. Some but few Carts at Town with Wood, tho' y<sup>e</sup> day exceeding fair and pleasant."

<sup>21</sup> *Massachusetts Historical Society Collections, Second Series*, Vol. VIII. p. 237. For his Majesty's Service. To Major Pincheon at Springfield deliver. 28 December, '86, *post*.

*Randolph's Short Narrative*. "The Govern<sup>r</sup> and Comp<sup>a</sup> of Rhode Island humbly submit to his Ma<sup>ty</sup> and by his Maj<sup>ty</sup>'s spe<sup>l</sup> order to his Excel<sup>cy</sup> S<sup>r</sup> Edmond Andros, K<sup>nt</sup> united to this Governm<sup>t</sup>. Decem<sup>r</sup> 28. I rec<sup>d</sup> a second writ of Quo Warranto ag<sup>t</sup> Connecticut and was ordered to serve it."



On the 30th took place the general meeting of the Council, nineteen members being present, besides the Governor and Mr. Randolph as Secretary.<sup>22</sup> Before the opening of the meeting, however, Sir Edmund took the oath for observing the Acts of Navigation and Trade. The Councillors being called by name and having taken their places, the Governor's commission was read and his instructions to receive the surrender of the Rhode Island Charter. The members from that Colony, being asked to deliver the Charter, replied that it was at the Governor's house at Newport, and owing to the bad weather could not then be brought, but would be delivered when sent for. Sir Edmund commanded it to be sent for, to be placed in the hands of the Secretary. The oaths being then administered to the eleven present, who had not previously taken them,<sup>23</sup> it was ordered that the officers

<sup>22</sup> *Andros Records*, 30 Dec. 1686. "Present His Ex<sup>ty</sup> S<sup>r</sup> Edmund Andros K<sup>t</sup> Gove<sup>r</sup>, Joseph Dudley, William Stoughton, Thomas Hinckley, Walter Clarke, Peter Buckley, Wait Winthrop, Richard Wharton, John Usher, Bartho. Gedney, Jonathan Tyng, Barnaby Lathrop, William Bradford, Daniell Smith, John Walley, Nathaniel Clarke, John Coggsall, Walter Newberry, Richard Arnold, John Arborogh [Alborogh], Edw<sup>d</sup> Randolph."

<sup>23</sup> *Andros Records*. "Thomas Hinckley, Walter Clarke, Barnaby Lathrop, William Bradford, Daniel Smith, John Walley, Nathaniel Clark, John Coggsall, Walter Newberry, Richard Arnold and John Alborough."

*Massachusetts Archives*, Vol. CXXVI. pp. 186, 208.

Also *Council Records of Massachusetts*, Vol. II., Dec. 30, 1686, which

are not as full for that meeting as the *Andros Records*.

Sewall says in his *Diary*: "Thorfday, Dec<sup>r</sup> 30. The Council meets. Gentlemen from Plimouth and Rhode-Island here and take their Oaths without any ceremony, perhaps for sake of the Quakers, who have promised to deliver up their Charter. Mr. Lee preaches the Lecture from Isa. 4. 5. 6. But the Governour and most of the Councillors absent."

In the *Massachusetts Archives*, Vol. CXXVI. p. 184, under date of December, 1686, is a draft in Randolph's handwriting of a Proclamation that guns and stores belonging to Government be returned. "By his Excellence etc. *A Proclamation*. Whereas divers persons in this his Ma<sup>ties</sup> territory & dominion have some tyme since possessed themselves of severall great gunns and quantities

officers "in the late Colonyes of New Plymouth & Road Island" should retain their places until further orders; that lists of fit persons throughout the "whole Dominion" should be made, and civil and military commissions be prepared accordingly. Randolph notes that on the same day Connecticut submitted to the King,<sup>24</sup> but this was not strictly true. The new government being now established, and Dudley no longer at the head of affairs, and therefore not to be feared, Randolph entered immediately a protest against the late President's actions in depriving him of his salary as Secretary and Register, and petitioned that Dudley should be brought into the Court of Chancery to answer his charges.<sup>25</sup>

On the 31st, "Major John Winthrop and Mr John Hincks both members of the Councill were admitted and having taken the oaths did accordingly take their places." This made the number present twenty-one, besides the Governor and the Secretary. A committee was appointed to report what was necessary to be done concerning the Courts of Justice,

quantities of small armes & other ammunition of warr which do of Right belong & appertain to the publick stores of this his Ma<sup>ties</sup> Gov<sup>t</sup> these are therefore strictly to charge & command all persons of what degree & quality soever that within . . . days after publication hereof they give a true & perfect account in writing under their hands of all great gunns small armes & other ammunition whatsoever which are now or late have been in their custody or possession or which to their knowledge are or lately have been in the custody or possession of any town ship or person or persons whatsoever to the end the same

may be ordered & disposed of as may be best for his Ma<sup>ties</sup> service & hereof all persons are to take notice & pay ready obedience as they will answere at their contrary at their utmost perill. Given at Boston this day of."

<sup>24</sup> *Randolph's Short Narrative*. "Decemb<sup>r</sup> 30. A second writt upon y<sup>e</sup> Govern<sup>r</sup> of Connetticott is served. They make their humble submission of themselves and Govern<sup>r</sup> to his Maj<sup>tie</sup>."

<sup>25</sup> *Massachusetts Archives*, Vol. CXXVI. pp. 178-183. Protest of Ed. Randolph against infringement of his office by President Dudley, 30 Dec. 1686, *post*.

Justice, and another committee to report upon the revenue.<sup>26</sup> It was also ordered that "the Records be forthwith removed from M<sup>r</sup> Rawson to be delivered to M<sup>r</sup> Randolph, present Secretary."<sup>27</sup> At no subsequent meeting, as far as we have the records, were there so many members present. Sometimes the number dwindled to four or five. Joseph Dudley and John Usher were constant in their attendance, as well as the Governor and the Secretary. Mr. Randolph's name is only wanting at the meetings held in Connecticut in 1687. William Stoughton and Peter Bulkley were generally, but not always, present, and Wait Winthrop was not often absent. At a very full meeting on January 3d, nineteen being present besides the Governor and Secretary, it was decided that all town officers should be continued and elected as formerly; that the duty of "twenty shillings per hoggshead upon Wine Rumm &c. now payd in the Colony of Massachusetts" be extended to the whole territory; that "a standing Committee be appointed to revise the Lawes of the severall late Governments and to make a collection of such as are fit and necessary for the use of this Government."<sup>28</sup> The next day it was ordered that the Courts in Plymouth and Rhode Island should be held "as formerly, and that all marriages be solemnized in this Governm<sup>t</sup> as of late accustomed untill further order; that a single country rate

<sup>26</sup> *Andros Records*, 31 Dec. 1686. Also *Massachusetts Archives*, Vol. CXXVI. p. 210.

<sup>27</sup> *Council Records of Massachusetts*, Vol. II. Dec. 31, 1686. This order is not found in the *Andros Records*.

<sup>28</sup> *Andros Records*, 3 Jan. 1686-7. In *Council Records of Massachusetts*,

Vol. II., "The Secretary to nominate a clerk to attend them" [committee on revision of laws]. This order is under date of Jan. 4 in *Andros Records*. The Committee consisted of Mr. Dudley, Mr. Stoughton, Mr. Hinckley, Mr. Winthrop, Mr. Clarke, Mr. Coggeshall, and Major Walley.

rate of one penny in the Pound be levied and collected in all the late Colonies and Provinces towards defraying the Publick charge of this Governm<sup>t</sup> according to former usage."<sup>29</sup>

The beginning of Andros's administration augured favorably for the future. Sewall voiced undoubtedly the prevailing sentiment when he "thankfully acknowledged the protection and peace we enjoyed under his Excellencie's Government."<sup>30</sup> The first ruffle on the peaceful surface came soon.

<sup>29</sup> *Andros Records*, 4 Jan. 1686-7.

<sup>30</sup> *Diary of Samuel Sewall*. "January 7. I went to Cap<sup>t</sup> Winthrop's upon business, and the Governor happened to be there; Cap<sup>t</sup>. Winthrop had me up to him, so I thankfully acknowledged the protection etc."

*History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 353. "The beginning of his administration gave great encouragement. He made high professions of regard to the public good and the welfare of the people. The major part of his Council were men who, although they had been of the moderate party, yet they wished the public interest, and would have been glad to have continued under the old form of government. Sir Edmund had no affection for them. Soon after his arrival there appears, by some loose minutes, to have been a pretty full meeting of the Council. Many of them returned home, and a few only who lived at or near Boston attended constantly, and some of those complained that the Governor had always three or four of his creatures to say yes to everything he proposed, after which no opposition was allowed."

In *Massachusetts Historical Society Collections, Fifth Series*, Vol. VIII.

p. 301, is a letter from Fitz-John Winthrop to John Allyn of Hartford, advising the surrender of the Charter of Connecticut to Governor Andros, and submission to his government.

For full account of Sir Edmund see *Andros Traits*, Prince Society. Born in London in 1637. Served under Prince Henry of Nassau. 1660 made Gentleman in ordinary to the Queen of Bohemia. 1666 came to America as major of infantry. 1674 inherited his father's estates in Guernsey, coming the same year to govern New York for the Duke of York. 1686 Governor of New England. 1688 his jurisdiction was extended over New York, East and West Jersey. 1692-1698 Governor of Virginia. Died in London, 24 February, 1714.

*Rhode Island Colonial Records*, Vol. III. p. 210. "On the 12<sup>th</sup> of January 1686-7 Andros' commission was published in Rhode Island, when Sir Edmund agreeably to his orders, dissolved the government, broke the seal of the Charter, reduced the Colony to a single County, and admitted seven of its inhabitants into his legislative Council, all of whom do not appear to have served."

fool. There was a rumor that the Charter had been demanded.<sup>31</sup> Although forfeited, it was still in the hands of the colonists, and there was a lingering hope that by some turn of fortune it might yet become again the foundation of their government. The vague rumor was followed by something definite. "One of the first acts of power after the change of government was the restraint of the presses. Randolph was the licenser. There was not so much room to complain of this proceeding as if the presses had been at liberty before. It only changed its keeper."<sup>32</sup> On the 25th of January the inhabitants

<sup>31</sup> *Diary of Samuel Sewall*. "January 13, 1686-7. The charter is demanded and the duplicate, last Monday or Tuesday. Though some say it is not so." When Sewall was in England in 1689 endeavoring to have charter privileges restored, he was ordered, after being present at a meeting of the Privy Council at Windsor, to bring a copy of the charter to Sir Robert Sawyer. See his *Diary*, 9 May, 1689.

On January 12th Edward Tyng qualified as member of the Council; a letter was received from Governor Treat of Connecticut, dated 6 January, acknowledging the receipt of Andros's letter of 22 December; Isaac Addington was made clerk of the committee on revision of laws. *Andros Records*. The appointment of Addington does not appear in *Council Records of Massachusetts*, Vol. II., of that date. On the same day the Council of Trade sent instructions from London to Sir Edmund to permit illegal trading between Newfoundland and New England. *Massachusetts Archives*, Vol. CXXVI. p. 329. 12 January, 1686-7, *post*.

On the 22d of January several official letters from England were read at the Council meeting, the consideration of

which was postponed to the next general meeting. "Upon Mr Randolph's proposing it very necessary for his Majesty's service that Ports be appointed for loading and unloading ships and vessels in this Dominion, it was ordered That the severall Towns of Boston, Salem, Piscataqua, New Bristol, Newport in Road Island be the only allowed Ports in the Dominion." *Council Records of Massachusetts*, Vol. II. Not in *Andros Records*.

The meeting of January 24 was prevented by a violent storm.

<sup>32</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 355.

*Andros Records*, 28 January, 1686-7. "His Ex<sup>ty</sup> taking notice of the great danger w<sup>ch</sup> might ensue by permitting the use of Printing presses in Boston and in the Town of Cambridge unless speedily taken care of and thereupon ordered That no Papers, books or Pamphlets be henceforth printed either in Boston or Cambridge untill licensed according to law and that no printer be admitted and licensed to print untill he hath given five hundred pound bond to his Ma<sup>ty</sup> in the Secretary's office not to print any unlicensed papers, books or pamphlets, That copies of

inhabitants of the town were reminded by the ringing of the bell that saints' days were to be celebrated, and this was followed on the 31st by a service in commemoration of the beheading of Charles the First.<sup>33</sup>

On the 23d of February an important debate took place at the meeting of the General Council, nineteen members being present besides the Governor and Secretary, upon a proposition

Books &c. to be printed be first perused by Mr Dudley late President and upon his allowance of them for the Press that one copie thereof so allowed and attested by him be brought to the Secrys office to be left on record and receive from him an Imprimatur."

At the meeting of the Council, 4 February, the Governor took the oath to observe the Acts of Trade and Navigation, naming the statutes; the petitioners of Rumney Marsh and Pullen Point ordered to bring the names of those who will support a minister, and the name of the minister; the committee formerly appointed to take from Mr. Rawson the papers belonging to the Secretary's office are ordered to "effectually pursue the same"; also "that the Court where Civill and Criminal Causes are tryed be altered and made more convenient for that purpose." This meeting is not mentioned in *Council Records of Massachusetts*, Vol. II.

"Thursday y<sup>e</sup> 10<sup>th</sup> by extream bad weather no Councill," in Randolph's handwriting, in *Andros Records*.

<sup>33</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 429. "That everything approaching to an acknowledgement of the authority of the pope, and his power of canonization might be avoided, they never used the addition of saint, when they spake of the apostles and the ancient fathers of

the christian church, and even the usual names of places were made to conform."

*Diary of Samuel Sewall*. "Tuesday, January 25. This is kept for St. Paul, and the Bell was rung in the Morning to call persons to Service. The Governour (I am told) was there. Monday, Jan. 31. There is a meeting at the Town-house forenoon and afternoon. Bell rung for it, respecting the beheading Charles the First."

On 26 January a letter was sent from the Governor and General Court of Connecticut to the Secretary of State stating that since the two writs served upon them by Mr. Randolph, another writ had been served upon them in December, "requiring our appearance before eight days of the Purification of the blessed virgin Mary," which was impossible. "We shall, as in duty bound submit to his royal commands; and if it be to enjoin us with the other colonies and provinces, under Sir Edmund Andros, it will be more pleasing than to be joined with any other province." *Political Annals*, by George Chalmers, p. 306; also *Colonial Records of Connecticut*, Vol. III. p. 377.

On February 15th. Justices of the Peace were nominated for Rhode Island and the King's Province. See *Andros Records*. This meeting is not given in the *Council Records of Massachusetts*, Vol. II.

proposition to raise the nominal value of New England money and the Spanish pieces of eight, it being argued that by making the nominal value of the silver pieces greater than their intrinsic value, trade would be stimulated and the exportation of money to England prevented. This matter had already been brought before the Council, as well as the reopening of the Mint.<sup>34</sup> "His Ex<sup>ty</sup> wholly declared against setting any value upon the New England money further than the intrinsic value and so used in trade and accounted as bullion. Many of the Council were very zealous for raising the value of money saying 'twould make money plenty in the Country and quicken trade." Objections to the scheme were urged, and the matter was postponed. At the same meeting was read a "paper from the Attorney Gen<sup>l</sup>" in which was contained his Ma<sup>ty</sup>'s pleasure that no Q. [Quaker] in New Eng<sup>d</sup> should be kept in prison for not coming to hear divine service."<sup>35</sup> On March 2d there was

<sup>34</sup> *Andros Records*, 22 January, 1686-7. A letter of the King dated 31 October, 1686, read "relating to the value and prizes of pieces of eight and regulating forraign coyn in New England"; also read "an answer of the officers of the Mint to the Reasons for a mint in New England."

In *Massachusetts Archives*, Vol. C., p. 388, under date of 15 July, 1686, is found the "Report from the Commissioners his Majesty's Mint adverse to the Massachusetts Mint."

28 January, 1686-7. Two questions were raised in the Council "whether it was in the power of the Council to stop the shipping of money, secondly what prejudice the shipping of money will bring to this Country."

<sup>35</sup> While the King's wishes regarding the treatment of Quakers were crossing the Atlantic, Evelyn writes in his *Diary*, 17 January, 1686-7: "Popish Justices of the Peace establish'd in all counties of the meanest of the people; Judges ignorant of the law, and perverting it—so furiously do the Jesuits drive."

*Andros Records*, 23 February, 1686-7. "The law about town contracts for ministers' maintenance was read & pressed very hard to have it passed; a paper produced and read offering many reasons against it." One of the objections urged against raising the value of New England and Spanish coin was that it would cause a great inflow of light Spanish pieces, and be detrimental to the

was a debate upon continuing the salaries of the ministers and schoolmasters as they were. "Walter Clarke objected against it in regard the ministers of New England are as much dissenters from the Church of England as the Quakers and therefore ought to be left to the voluntary contribution of their hearers." The matter was postponed.<sup>36</sup> On the

the West India trade, preventing the importation of sugar and molasses afterwards shipped to England. Major Pincheon took his place at the Council board at this meeting.

On the 24th, "the bill for establishing Courts of Judicature and Publick Justice agreed and committed. The bill for a Court to try any cause under 40 shill. before any Justice of the peace passed and ordered to be engrossed."

On the 25th, the two Goldsmiths, appointed a committee on February 23 for that purpose, report to the Council "that the raising pieces of eight would bring them in plentifully but at the same time occasion y<sup>e</sup> shipping off New England money. The bill for holding Courts of Assizes was read a second time and ordered to be engrossed." The Goldsmiths' report about money is not given in the *Council Records of Massachusetts*, Vol. II.

At the meeting of the 26th, "ordered that the bill for erecting Courts of Judicature be engrossed." A debate took place between the proprietors of the Narragansett country and the inhabitants of Rhode Island about the place for holding courts, "either party being unwilling to go from their own towns." The meeting of the 26th not given in the *Council Records of Massachusetts*, Vol. II.

At the meeting on the 28th February a letter in accordance with the decision of February 15, written by Sir Edmund to the Governor of Connecticut, was read

and ordered to be sent. This meeting is not given in the *Council Records of Massachusetts*, Vol. II. On the same day a petition was presented to the Governor and Council by Thomas Hinckley, praying that the ancient rights of New Plymouth might still be continued, that a comfortable maintenance might be granted to Orthodox ministers by all the inhabitants; that "for the maintenance of grammar schools in that Colony, they may have and enjoy the benefit of such revenue as doth or may arise in Cape Cod Harbor." *Massachusetts Historical Society Collections, Fourth Series*, Vol. II. p. 149. The meeting of February 28 is not in the *Council Records of Massachusetts*, Vol. II.

On the 1st of March there was much discussion over the revenue bill. The Governor insisted that the whole beaver trade should belong to the King, and a committee was consequently appointed to see to it. It was ordered that certain pending suits should be heard in the Superior Court of Judicature. In the *Council Records*, Vol. II., March 1, 1686-7, "That a Bill against Pirates and for prevention of Piracy be prepared and brought in," which is not in the *Andros Records*.

<sup>36</sup> *Andros Records*, 2 March, 1686-7. Mr. Hinckley, Walley, and others argued that the grant of townships was conditioned on the maintenance of a settled ministry. This meeting not given in the *Council Records of Massachusetts*, Vol. II.



the 3d, "An Act for Establishing Courts of Judicature and publick Justice passed by his Ex<sup>ca</sup>." <sup>37</sup> On the same day the new officers of the militia, a majority of whom were members of the Church of England, appear to have received their commissions.<sup>38</sup> On the following day the Council voted "that the order about marriage be passed into a bill," <sup>39</sup> considered by Hutchinson a grievous restraint, as "none were allowed to marry except they entered bonds with sureties to the governour, to be forfeited in case there should afterwards appear to have been any lawful impediment. Magistrates still continued to join people in matrimony. Other provision could not immediately be made."<sup>40</sup> Randolph hoped that in time all marriage services would be performed by ministers of the Anglican Church.<sup>41</sup> On the 5th, the papers belonging to the Secretary's office were

<sup>37</sup> *Andros Records*, also *Massachusetts Archives*, Vol. CXXVI. p. 245. Also *Connecticut Colonial Records*, Vol. III. p. 411.

<sup>38</sup> *Diary of Samuel Sewall*. "3 March, 1686-7. This week the new officers of the Militia receive their commissions; viz: Lieut-Col. Shrimpton, Major Charles Lidget, Capt. Humph. Lufcomb, Capt. Antho. Haywood, Capt. Benj. Davis, Capt. Thos. Savage, Capt. W<sup>m</sup> White, Capt. Sam<sup>l</sup> Ravenscroft. 'Tis said Mr. Nelson and Foxcroft refused; else I suppose Savage and Davis had dropt. Left out Richards, Checkly, Dummer. Sewall had returned his commission before the change of Government."

<sup>39</sup> *Andros Records*, 4 March, 1686-7. The order about marriage is not in the *Council Records of Massachusetts*, Vol. II.

<sup>40</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 355. In *Massachusetts Archives*, Vol. CXXVI. p. 226, is found the Form of Bond for marriage. "Bond of 100 pounds. The condition of this obligation is such that if the above bounden . . . shall sufficiently save and keep harmless the aforefaid S<sup>r</sup> Edmund Andros Kn<sup>t</sup> from all manner of trouble or troubles which may or shall any wayes hereafter happen or arise by y<sup>e</sup> s<sup>d</sup> S<sup>r</sup> Edmund Andros granting a License to . . . to be joined in holy matrimony that then this obligation to be void otherwise to remaine in full force and virtue."

<sup>41</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 355. Extract from a letter of Randolph to the Bishop of London.

were taken finally from the custody of Mr. Rawson and placed in the Town-House.<sup>42</sup> On the same day "it was ordered and assented to that the Se<sup>c</sup>ry is Register of the Government, and do appoint his Deput<sup>y</sup> and to have fees according to his commission."<sup>43</sup> On the 10th, the value of Spanish money was regulated, and an order was made that "the present New England money do passe for value as formerly."<sup>44</sup> On the 12th, the acts passed, thus far, were "published by beat of drum and sound of trumpett."<sup>45</sup>

It being decided on the 17th, in Council, that a church must be selected for the services of the Church of England,

<sup>42</sup> *Diary of Samuel Sewall*. "Saturday, March 5. The Massachusetts Books and Papers are fetcht away from Mr. Rawson's to the Town House by Mr. Lynde and Bullivant."

<sup>43</sup> *Andros Records*, 5 March, 1686-7. Not given in the *Council Records of Massachusetts*, Vol. II. On the 8th, it was ordered that Boston, Salem, Portsmouth, Pemaquid, Bristol, and Newport be the only ports in New England, which is not in the *Council Records*, Vol. II. For fees of the Secretary's office, see *Massachusetts Archives*, Vol. CXXVI. p. 244, under date of March 10, 1686-7, *post*. For fees of the Custom House, see *Massachusetts Archives*, Vol. CXXVI. p. 274, under date of March 17, 1686-7, *post*.

<sup>44</sup> *Andros Records*, 10 March, 1686-7. Sir Edmund being informed by the goldsmiths that the proper weight of a piece of eight was seventeen and one half pennyweight, "it was ordered that all pieces of eight of Civill [Seville] Pillar and Mexico of 17½ d. weight shall pass in payment at six shillings a piece and that the present New England money do passe for value as formerly,

the half peeces of Eight, quarters, Royalls and half Royalls [reals] do pass pro rata (is meant Coyn and Value) Spanish pistolls at 4 penny 6 grains at 22<sup>d</sup> N. E. money." At this meeting the time of holding the County Courts at Boston and Charlestown was changed for the sake of convenience. The order about Spanish coins is found in the *Council Records of Massachusetts*, Vol. II., under date of the 8th, but there is no mention of New England money.

<sup>45</sup> *Andros Records*, 12 March, 1686-7. The act for Justices trying small causes vizt. 40s., the act for establishing Courts of Judicature, &c.; the act for the Revenue; the act against pirates, and the proclamation for pieces of Eight. In the *Council Records*, Vol. II., are added, "published in the open street nere the Towne House at the hour of twelve in the morning." On the 10th of March, Thomas Hinckley was appointed Judge of the Prerogative Court (Court of Probate) in the County of Barnstable. His commission is signed by Andros, and Randolph, as Secretary. See *Massachusetts Historical Society Collections, Fourth Series*, Vol. V. p. 150.

land,<sup>46</sup> Sir Edmund examined on the 22d the three Meeting-houses in Boston,<sup>47</sup> and on the following day sent Mr. Randolph to ask for the keys of the South Church.<sup>48</sup> Two days later, on Good Friday, the Governor had service performed there, the sexton having been prevailed upon to ring the bell and open the door.<sup>49</sup> From this time until the end of Andros's administration there was a joint occupancy of the building, leading to much trouble. Randolph wrote on the same day to the committee that "his Excellency having first advised with y<sup>e</sup> Councill gave notice to y<sup>e</sup> members of y<sup>e</sup> third Church in Boston that he intended to have a Sermon there on Easter day; and appointed our Minister to perform his office which he accordingly did between the Houres

<sup>46</sup> *Andros Records*, 17 March, 1686-7. "A church agreed upon in Boston for such as hear divine service." This is not in the *Council Records of Massachusetts*, Vol. II.

<sup>47</sup> *Diary of Samuel Sewall*. "22 March. This day his Excellency views the three Meeting houses."

<sup>48</sup> *Ibid.* "March 23. The Governour sends Mr. Randolph for the keys of our Meeting house, that may say Prayers there. Mr. Eliot, Frary, Oliver, Savage, Davis and my self wait on his Excellency, shew that the Land and House is ours, and that we can't consent to part with it to such use; exhibit an Extract of Mrs. Norton's deed, and how 'twas built by particular persons, as Hull, Oliver, 100<sup>l</sup> a piece &c."

*Annals of King's Chapel*, by H. W. Foote, Vol. I. p. 69. "No reason is given why the South Church was selected to be the very unwilling host of the new Episcopal Society; but it may be conjectured that it was either be-

cause it was nearest to where Sir Edmund lived — near where the Province House afterward stood — or because the South Church had only *one* minister, while each of the others had *two*, that is, twice as many persons with troublesome tongues. Then too, Randolph had doubtless told the Governor how the South Church rose out of a bitter quarrel, and he may have thought that the two other churches would look on its vexations with more composure of spirit."

<sup>49</sup> *Diary of Samuel Sewall*. "Friday March 25, 1687. The Governour has service in the South Meeting house. Goodm. Needham [the Sexton] though had resolved to the contrary, was prevailed upon to Ring the Bell and open the door at the Governour's Command, one Smith and Hill, Joiner and Shoemaker, being very busy about it. Mr. Jn. Usher was there, whether at the very beginning or no, I can't tell."

Houres of 11 and 1, in the forenoon, & 4 & 6 in y<sup>e</sup> afternoon, not in the least manner obstructing them who make use of that place as formerly. We find it a difficult thing to raise a maintenance for Our Minister, and nothing will more obstruct the settlement of y<sup>e</sup> Church of Eng<sup>d</sup> then to have the minister precarious, he is a sober and diligent person & wants not onely a good encouragement for his support, but 3 or 4 able persons ought to be sent heither to preach in the severall late Governments where are some thousands of poeple men Women & children unbaptized. My Lords I humbly propose it very necessary for his Ma<sup>ties</sup> service that the Charter of Connecticut Colony be prosecuted to effect. I know they will employ none to defend it, but let the Law take its course. In obedience to your Lordsh<sup>ps</sup> Commands are humbly laid before your Lordsh<sup>ps</sup> the Lawes made and passed in Councill, together with the Proceedings in Councill since his Excellen<sup>cy</sup> arrivall. Amongst y<sup>e</sup> Lawes now transmitted That for continuing & establishing Severall Rates & Dutyes etc. passed with great difficulty, not that tis a new thing or hardship upon the people for there is nothing Contained in it but what is transcribed out of their printed Law booke, but they have alwayes accounted themselves a free poeple & looke upon this act to be a Clogg upon them and their estates."<sup>50</sup> In his letter, of the same date, to the Lord President he says there is not one member  
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<sup>50</sup> *State Papers, Colonial, Bundle* 55 (120). From Mr. Randolph to the Committee, 25 March, 1687, *post*.

For the full text of the laws, copies of which were sent to England by Mr. Randolph, see *Connecticut Colonial*

*Records*, Vol. III. p. 402, *et seq.* Copies of the "Lawes Enacted by Governor Andros and his Councill" were sent to Connecticut when that Colony was added to the Dominion of New England.

of the Council "who rightly understands the Lawes & practice of the Courts of England; from whence arises a great want of fitt persons to make Judges etc. & other ministeriall officers. They have made themselves Titles to very large tracts of Land, so that as matters are now circumstanced Its not Safe to bring titles of Land to Tryall before them wherein his Ma<sup>ties</sup> Right is concernd the Judges being also partyes. This makes all matters relating to his Ma<sup>ties</sup> go on very heavily." As for Connecticut, "they send formall & dilatory letters onely to gain tyme, but very much to the damage of the whole Territory. Its therefore for his Ma<sup>ties</sup> service that the prosecution against their Charter be pursued to effect."<sup>51</sup>

On the 27th were held the first Sunday services, in the South Church, according to the rites of the Church of England, which, lasting beyond the hour appointed for the meeting of the regular congregation, caused much ill feeling,<sup>52</sup>  
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<sup>51</sup> *State Papers, Colonial, Bundle* 55 (122). From Mr. Randolph to my L<sup>d</sup> President. 25 March, 1687, *post*.

<sup>52</sup> *Diary of Samuel Sewall*. "Last Sabbath day March 27. Governour and his retinue met in our Meeting house at Eleven, broke off past two because of the Sacrament and Mr. Clark's long Sermon; now we were appointed to come  $\frac{1}{4}$  hour past one, so 'twas a sad sight to see how full the street was with people, gazing and moving to and fro because had not entrance into the House."

Andros wrote Sunderland, 30 March, 1687: "I have settled the Militia etc., and take care that the Acts of Trade and Plantation be duly observed. Connecticut has not yet submitted, notwith-

standing another writ served upon them and their pretended loyalty. They have summoned another assembly to meet this day at Hartford. Here having been no place for the services of the Church of England but in the Town House no ways convenient for it, afore Easter (as advised and ordered in Council) send to desire the use of the South Meeting house in Boston, on Sundays at 11 o'clock in the morning, and four in the afternoon, and on Easter day had the Liturgy of the Church of England, a sermon and a sacrament administered there, and to continue so till otherways provided, as also our prayers on the week days as occasion. I send the names of twelve men to supply vacancies in the Council not many knowing

the proprietors resenting, naturally, the interference with their vested rights, and on April 4th there was a discussion by Mr. Sewall and others in regard to celebrating the Lord's supper, if the congregation was to be debarred from the use of their Meeting-house.<sup>53</sup> A few days later the feelings of the stricter Puritans were hurt by seeing some of the newly appointed militia officers wearing red paper crosses in their hats on training day.<sup>54</sup> Randolph having

knowing in the laws or methods of England. I have sent an officer and garrison to relieve and receive the Fort of Pemaquid."

At the Council meeting, 2 April, arrangements were made to enlarge the dock at Charlestown, so as to permit the repairing of the frigate, the *Kingfisher*. This meeting is not in the *Council Records of Massachusetts*, Vol. II.

On April 6, Mr. William Stoughton presented a draft of fees for the Marshal serving writs in Boston and Charlestown; not in the *Council Records*, Vol. II.

On April 13, "His Ex<sup>ty</sup> discoursed about the arbitrary way of attaching goods and prison for debt. Attachments to be issued out of the Secy's office w<sup>th</sup> declarations to be entered w<sup>th</sup> the present clerks appointed by the Secy. Council to meet every Wednesday. Mr. Masters to prosecute felons for Maj<sup>ty</sup>. Dr. Bullivant to draw up Indictm<sup>ts</sup> and arrain the prisoners. Mr. Sherlock appointed Sheriff of Suffolk County." This meeting is not in the *Council Records*, Vol. II.

April 20. The Cambridge petitioners in regard to a bridge were heard by the Council and the matter referred. The Treasurer's two accounts of £115. 19. 11 and £226. 1. 10 were allowed. This meeting is not in the *Council Records*, Vol. II.

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On the 25th of April, Mr. Dudley and Mr. Stoughton took the required oaths as Judges of the Superior Court. Henry Woodis and four others of the selectmen of Concord, for having sent a scandalous paper to John Usher, were summoned to appear before the Council on 4 May, "to answer their contempt of his Ma<sup>ties</sup> Government." The Treasurer was ordered to notify the towns which were backward to send in their rates forthwith. This meeting is not in the *Council Records*, Vol. II. This is the last meeting recorded in the *Andros Records*. There is only one memorandum after this date, stating that John West was sworn to be Judge of the Inferior Court of Suffolk County on 7 June. This is in Randolph's handwriting.

<sup>53</sup> *Diary of Samuel Sewall*. "Ap. 4. In the Even, Mr. Willard, Eliot, Frary and self have great debate about our meeting for the Lord's supper."

<sup>54</sup> *Ibid.* "Satterday Ap. 23. Eight Companies Train. Many persons; some officers have red paper Crosses fastened to their Hats."

Wait Winthrop writes to Fitz-John Winthrop from Boston, April 28. "The last Saturday being St. Georges and Coronation day we had this regiment in the field, whear our new officers had opertunity to shew their skill. Mr Nelson desires

having been induced, apparently unwillingly, to give up his office of Secretary and Register to John West,<sup>66</sup> he made, on May 3d, the grant for four years, reserving to himself a payment of £150 yearly,<sup>66</sup> filing the next day his account of the papers issued from his office.<sup>67</sup> About this time he received from Mr. John Grant of London the news that his daughter in England was in good health, and cordial thanks for the kindness bestowed upon the writer by Mr. Randolph.<sup>68</sup>

In the hope of avoiding trouble, notice was sent, in advance, to Dr. Bullivant, that the congregation of the South Church would celebrate the sacrament of the Lord's supper on May 15th, the usual day. To this it was answered that the Governor must have communion service on that day, being Whitfunday, and that no other church was convenient, but that the service would be finished by twelve o'clock.

desires my recommendation of Monsieur Villabonne to your assistance and advice in his journey to New York, but how you will convers with him I know not, for he speakes little English. He is going, as is said, to demand satisfaction for the wines Mr. Palmes [Palmer] and West seafed the last summer beyond Pem-aquid, which will not be very gratefull to Coll. Dongan, as I think." *Massachusetts Historical Society Collections, Fifth Series*, Vol. VIII. p. 472.

<sup>66</sup> Palfrey says in his *History of New England*, ed. 1864, Vol. III. p. 523, note: "In 1680 West, an English merchant residing in New York, was appointed by Andros to be Secretary of that Province, which office he continued in some two or three years, at the end of that time he was despatched by Governor Dongan to Maine."

<sup>66</sup> *State Papers, Colonial, Bundle* 55 (217). "Lease of the Secretary's office from Mr. Randolph to Mr. West." 3 May, 1687, *post*.

<sup>67</sup> *Massachusetts Archives*, Vol. CXXVI. p. 332. "Account of Publick Writings issued out of the Secretary's office of his Ma<sup>ties</sup> Territory & Dominion of New England in America since Decem<sup>r</sup> y<sup>e</sup> 20<sup>th</sup>, 1686," *post*.

<sup>68</sup> *Ibid.*, Vol. CXXVI. p. 243. Letter to Edward Randolph from John Grant, 10 March, 1686-7, *post*.

Mr. West took his oaths as Secretary and Register on May 4. *Council Records*, Vol. II. p. 117. Mr. Randolph presented his draft for the fees of his office as Collector and Surveyor of the Customs. Also *Massachusetts Archives*, Vol. CXXVII. p. 121.

o'clock. "Remembring how long they were at Easter, we were afraid 'twould breed much confusion in the afternoon, and so, on Wednesday, concluded not to have our Sacrement for faw 'twas in vain to urge their promise."<sup>50</sup> Within a very few days<sup>50</sup> came the welcome news, followed in time by the official notification, that liberty of conscience had been proclaimed in England by the King; and "the people were freed from their fears of persecution,"<sup>61</sup> temporarily. The news, however, did not seem to have any effect on the actions of Governor Andros, but probably strengthened the opposition to his government. Randolph writes to Blathwayt on May 21: "His Excell has to do with a perverse

<sup>50</sup> *Diary of Samuel Sewall*. Tuesday, May 10.

On May 9th, order passed that "noe Mackerell be taken before the first of July." See *Council Records of Massachusetts*, Vol. II. On the 10th, several acts were passed. "An Act for regulating the Assize of Caskes, and preventing Deceite in Packing of Fish, Beeffe and Porke for sale; for regulation of weights & measures: for regulating Cattle, Corne fields & Fences." On the 11th, an Act concerning wolves was passed. See *Council Records*, Vol. II.

<sup>60</sup> *Diary of Samuel Sewall*. "Wednesday, May 18. This day Mr. Foye comes in and brings the King's Declaration for Liberty of Conscience."

<sup>61</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 367. For the King's Declaration see *Macaulay's History of England*, Vol. II. p. 154. ed. 1861. "On the fourth of April appeared the memorable Declaration of Indulgence"

See *Massachusetts Historical Society Collections, Fourth Series*, Vol. V. p. 152,

for "King James II.'s answer to Mr. Alsop's speech on religious liberty," in which the King says "there shall be no persecution in my dominions for conscience sake for mere matters of religion."

*Diary of John Evelyn*. "2 March. Came out a Proclamation for universal liberty of Conscience in Scotland."

"10 April. In the last weeke there was issu'd a Dispensation from all obligations and tests, by which Dissenters and Papists especially had publiq liberty of exercising their severall ways of worship without incurring the penalty of the many Lawes and Acts of Parliament to the contrary. There was a wonderful concourse of people at the Dissenters' meeting house in this parish, and the parish church left exceeding thin." Among those dismissed from office by James were his brothers-in-law, Lord Clarendon and the Earl of Rochester. The former had always been friendly to Randolph, and the latter had appointed him to the postmastership of New England.



verse people. Here is none of the Council at hand, except Mr. Mafon & myself, Mr. B. & Mr. Usher, who appear lively for his Majesty's Interest. Nothing has been wanting in his Excell. to bring all things to a good posture, both private & public. He Discharges the Duty of an Excellent Govern<sup>r</sup>. But this people are Rivetted in their way, & I fear nothing but Necessity or Force will otherwise dispose them."<sup>82</sup> On the same day he also writes to Mr. Povey, asking permission to forward his papers directly to the Custom House in London because he had been censured for sending them first to the Plantation office. He complains that Mr. Stoughton, Mr. Wharton, and others are opposed to granting him a fixed salary, so that he is actually at a loss on account of the expense of clerk hire and of his deputies at the different ports, "their not allowing moderate fees is only to discourage from inspecting their irregular trade. This his excellency has endeavoured to have rectified, but is opposed by my enemies, to my very great losse, and prejudice to my deputies. His excellency tryed all wayes to bring the people to quitt rents. There were severall who would take grants for lands, but as it now falls out, his excellency

<sup>82</sup> *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 531. Extract of letter from Randolph to Blaithwait, 21 May, 1687, *post*.

Mr. Robert Mafon had recently arrived. He took his place at the Council Board on the 20th of May,—the previous day. *Council Records of Massachusetts*, Vol. II. 20 May. "Robert Mafon and John Greene, Esq<sup>r</sup> tooke the oathes of allegiance and that for performing the duty of Councillors,

being both Lately arrived from England. His Maj<sup>ties</sup> Letter for Liberty of Conscience to his Inhabitants of Rhoad Island was read. His Maj<sup>ties</sup> Letter for publishing the Treaty of Peace with the French and the said treaty were likewise read." Mr. Randolph's accounts were referred to a committee. Also *Massachusetts Archives*, Vol. CXXVI. p. 334, and *Ibid.*, Vol. CXXVII. p. 125.

cellency has none to dispose of; a little time will trye what our new judges Dudley and Stoughton will say, when either Indian purchase or grantes from the generall court are questioned before them. Sir, you will much wonder to hear I have disposed of the Secretaryes office for too inconsiderable a vallue, wheras it was judged worth 5 or 600*l*. I lost mony considerable, during the time I had it, one part the president ran away with, and it was not settled, tho' his excellency endeavoured it, but allwayes opposed; the whole trouble, care and charge lay upon me. I, sometime after his excellencies arrivall, was directed to prepare commissions, civill and military for the whole territory. I made 12 in parchment for the peace, 240 military, copied and engrossed in parchment all the lawes, and disperfed copies through the whole government, yet they scrupled to allow me for writing them, these matters have so discouraged me that I thought it better to have some certainty then to leave all loose and know no end to the charge." After speaking of the acts already passed, he adds, "they [the Council] stick hard upon that of possession as of a generall concerne and next to that for a law for ministers maintenance, strongly opposed by the quakers. [The act regulating] the rates of pieces of eight does not answer the end, money grows very scarce and no trade to bring it in. The members of the Councill of Rhoad Island and New Plimouth have enough of comeing to sett in Councill, 8 or 10 dayes a time, at their own charge, and I now expect but very thin appearance for the future, in regard the tables are downe, but to the great dissatisfaction of our brethern." He then speaks of the efforts made by Col. Dongan to induce Connecticut to join New York instead of Massachusetts, but

but "this government cannot subsist without a free trade with Connecticut, which will be debarred if they are not annexed to us, or what's worse for us to pay 10 per cent. for all wheat, porke &c. brought to us, which we cannot want. Mr. Mason is very acceptable to his excellency and to many of us. Moody is out of humour. I believe he will be obliged to leave this town."<sup>63</sup>

On the 25th it was proposed "that none keepe schoole, or Teach, Educate or Instruēt youth, but such as shall be allowed," which would give great power to the governing faction in the Council, and on the motion of Mr. Randolph a small vessel for the coast was ordered to be provided for the King's service,<sup>64</sup> which was evidently to aid in enforcing the Acts of Trade. As Connecticut had not yet surrendered, being influenced, it was supposed, by what was called the factious party in Massachusetts, Sir Edmund determined to make

<sup>63</sup> *Hutchinson's Collection of Papers*, Prince Society, Vol. II. p. 296. Randolph to Povey, 21 May, 1687, *post*.

<sup>64</sup> *Council Records of Massachusetts*, Vol. II. 25 May, 1687. At this meeting it was also ordered "That all publique Records in the last [late] Governments now annexed under this Dominion be brought to this Towne, and putt into the custody of the Secy or his Dep<sup>y</sup>. An Act for probate of wills and granting letters of administration was read and ordered to be Ingrossed." Randolph's accounts were allowed to be paid by each county and Province. His Custom House fees were also allowed. Also *Massachusetts Archives*, Vol. CXXVII. p. 126.

Sewall writes in his *Diary*: "May 26. Marshall Green visits me, and tells me that he is wholly left out of all

publick employment. Sam<sup>l</sup> Gookin Sheriff for Middlesex. Said Green told me he knew not of it till today, and that he was undone for this world."

On 1st June were passed the following acts: for probate of wills and granting administrations; for regulating the fishing trade and fishermen, and for regulating the purchase of lands from Indians. See *Council Records of Massachusetts*, Vol. II.; also *Massachusetts Archives*, Vol. CXXVII. p. 128.

"June y<sup>e</sup> 9<sup>th</sup> 1687. Memd. M<sup>r</sup> Jō: West was sworn in the Council Chamber his Excellency & Secy present & receive from his Excellence a commission under y<sup>e</sup> seal of y<sup>e</sup> Gov<sup>r</sup> to be Judge of the Inferior Court of y<sup>e</sup> County of Suffolk." See entry in the *Andros Records* in Randolph's handwriting.

make another effort by sending Randolph to Hartford with a letter expressing the hope that the Colony will "accept his Ma<sup>ties</sup> favour soe gratiouſly offered" before judgment is entered.<sup>65</sup> Before Randolph reached Hartford the General Court had been adjourned,<sup>66</sup> after deciding on June 15th that William Whiting, the agent of the Colony in London, should still do what he could "to answer objections against their Charter," and the Charter itself was brought into the room by order and left on the table with the key in the box. No mention is made of its having been returned to the custody of the Secretary. During the absence of Randolph on his fruitless journey, there is no record of any Council meetings being held.<sup>67</sup>

The uneasy feeling now pervading the New England Colonies was much increased by the excessive fees demanded by Mr. West, as Secretary; it does not appear, however, that Randolph sanctioned Mr. West's course. "That which addeth

<sup>65</sup> *Massachusetts Archives*, Vol. CXXVI. p. 353. Also *Connecticut Colonial Records*, Vol. III. p. 381. Letter of Andros to the Governor and Council of Connecticut. Boston, 13 June, 1687. "This is by Edw<sup>d</sup> Randolph Esq<sup>r</sup> to whom you may give intire Credence in anything relating to this matter."

<sup>66</sup> *Connecticut Colonial Records*, Vol. III. p. 383. Letter of Governor and Council to Sir E. Andros. Hartford, June 18, 1687. "Your letter by Esq<sup>r</sup> Randall [Randolph] and Capt. Davis we have rece<sup>d</sup> and are sorry they came too late to reach our Generall Court, who adjourned the evening before the arrival of those Gent. though by what we took notice of their minds we conclude they would not have al-

tered or varied anything from what in their former letters they wrote unto you. [therefore according to the circumstances we stand under, we cannot make a surrender of o<sup>r</sup> Charter at present] but wayte his Ma<sup>ties</sup> pleasure for our further dispose."

signed by John Allyn Secy.

<sup>67</sup> Upon Randolph's return the Council met, on 22 June, when a salary for the judges was discussed. *Council Records*, Vol. II. On 23 June it was ordered that the goods taken from Mr. Wanton of Scituate, a Quaker, for not paying the Minister's rate, be restored to him. *Council Records of Massachusetts*, Vol. II.; also *Massachusetts Archives*, Vol. CXXVII. p. 130.

eth to the further grievance of the people is the exacting extraordinary fees by that gentleman who hath farmed the Secretary's office of Mr. Randolph, beyond what Mr. Randolph was wont to do whilst he officiated therein."<sup>68</sup> Besides the heavy fees demanded, the final probate of wills had to be made in Boston, which added much to the cost on account of the journey from remote parts of the country,<sup>69</sup> and

<sup>68</sup> *Massachusetts Historical Society Collections, Fourth Series*, Vol. V. p. 156. Letter of Thomas Hinckley to William Blaithwait. Boston, 28 June, 1687: "there being now thirty and five shillings now exacted as fees about the probate of a will, the inventory of which estate amounted but to about £52, and the fees of forty shillings for granting letters of administration to a woman whose husband died intestate: and being told by myself and others that it was contrary to the statute of England, which took great care to prevent officers extorting more fees than was by [law] allowed, to the oppression of the subject, he pretended Mr. Randolph's commission was with as full power &c. as at Jamaica or other places of his Majesty's dominion in America, where they took great fees. But I suppose it is not legal to take what fees he pleaseth, nor doth that commission bear him out in it. Great complaints also of excessive fees for writs and processes of law; in so much as many think, if these things go on, officers will quickly drain all that little money which is left in the country into their own pockets."

<sup>69</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 358. "Under the new administration the fees were exorbitant. Fifty shillings was the common fee for probate of a will. The Governor was the supreme ordinary, and acted by himself, except a few

months, whilst he was in New York, and in the eastern country, when Mr. Dudley was his Deputy. It was a great burden upon widows and children, who lived remote, to be obliged to come to Boston. The fees of all other officers were complained of as oppressive. The harpies themselves quarrelled about their share of the prey." Randolph wrote, "West extorts what fees he pleases to the great oppression of the people, and renders the present government grievous."

By the "Act for Probate of Wills and granting Letters of Administration," passed 1 June, 1686, the probate and letters of administration shall be granted by the Governor, or some one appointed by him for Suffolk and Middlesex Counties, in Boston; in other Counties the Inferior Court of Common Pleas empowered to examine witnesses and to certify to the Secretary's office in Boston. One judge with two justices of the peace can, out of court, in case of necessity, examine witnesses, an appeal lying to the Governor, or officer appointed by him. When the estate is less than fifty pounds probate can be made by the inferior courts of the several counties, an appeal lying to the Governor within three months. *Connecticut Colonial Records*, Vol. III. p. 423. Hutchinson says in a note, p. 358 of his *History*, that Andros introduced "the forms used in the spiritual courts which have

and led in time to a remonstrance from Randolph. Sir Edmund having been unsuccessful in his first attempts to induce the inhabitants to pay quit rents, they having acquired their rights by purchase, made another effort in the last part of June, by granting to Mr. Richard Wharton, a member of the Council, over a thousand acres of land in the Narragansett country at a quit rent of ten shillings a year,<sup>70</sup> which was soon followed by petitions from various parts for confirmation of titles to land, and also for grants, it having been "made public that all who would acknowledge the insufficiency of their title derived from the former government, by petitioning for new patents, should be quieted upon reasonable terms. The fees for the patents varied according to circumstances both of persons and estates. Prudence was used. Men's titles were not questioned all at once. Had this been the case, according to the computation then made, all the personal estate in the colony would not have paid the charge of the new patents."<sup>71</sup> Randolph  
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have been retained in the several Counties ever since. Before his time, both probate of wills and granting administrations, in point of form, were very loose and uncertain."

<sup>70</sup> *Council Records of Massachusetts*, Vol. II. 29 June, 1687. At this meeting were present Sir Edmund Andros, Joseph Dudley, Waite Winthrop, Nath. Clarke, Robert Mason, Richard Wharton, and Edw. Randolph. "A grant for one thousand seven Hundred & twelve Acres of Land in the Narragansett country to Richard Wharton Esq<sup>r</sup> was approved off att tenn shillings per annum Quitt Rent." John Swanton of Beverly petitioned for land in Casco Bay; fifty acres of vacant land granted

to him. Also *Massachusetts Archives*, Vol. CXXVII. p. 132.

<sup>71</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 359. In *Council Records*, Vol. II., 20 July, 1687, are "the Petition of John Cuttler, for confirmation of his house, Lands and wharves in Charlestowne read & granted. The Petition of Samuel Ballatt for confirmation of his house, Land and wharves in Charles Towne read and granted. The Petition of Henery Mountfort for confirmation of a house and ground in Boston granted." In Volume CXXVII. of the *Massachusetts Archives* there are fifty-eight petitions for confirmation of title to lands in various parts of New England. Hutchin-

in the mean time was trying to enforce more rigorously the Acts of Trade and Navigation,<sup>72</sup> and the Governor to make Mr. Ratcliffe more prominent officially.<sup>73</sup> It having been objected that Randolph's jurisdiction as Secretary and Register did not by his commission cover Rhode Island and Connecticut, but only Massachusetts, New Hampshire, Maine, and the Narragansett country,<sup>74</sup> he petitioned on August 9th "to be made Secretary and Sole Register of y<sup>r</sup> Ma<sup>ties</sup> Territory & Dominion of New England as now united and Setled, Your Petn<sup>r</sup> having by y<sup>r</sup> Ma<sup>ties</sup> Royall favour been Eminently serviceable in Bringing that whole Country to an intire dependance upon the Crown."<sup>75</sup> This was in order to cede the additional jurisdiction to Mr. West.

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infor says, p. 359: "There are many hundred petitions of the same kind upon the files." The form was "upon such acknowledgment & Quitt Rent therefore to be paid as yo<sup>r</sup> Excell<sup>r</sup> shall thinke meet & reasonable."

<sup>72</sup> *Massachusetts Archives*, Vol. CXXVI. p. 367. Order of Governor Andros to Edward Randolph to seize the ship Samuel & Thomas. 24 June, 1687, *post*.

<sup>73</sup> *Diary of Samuel Sewall*. "July 6, 1687 waited on his Excellency to Cambridge. Eleven Bachelors and Seven Masters proceeded. Mr. Mather, President, Pray'd forenoon and afternoon. Mr. Ratcliff sat in the Pulpit by the Governor's direction. Mr. Mather craved a Blessing and return'd Thanks in the Hall."

On July 27, it was ordered in Council "that there be allowed & paid to the Cheife Judge of this Dominion out of his Maj<sup>ties</sup> Revenue ariseing here the salary of one hundred and fifty pounds p annum; and to each other Judge of the Superiour Court the salary of one

hundred & twenty pounds p ann. His Excell<sup>ty</sup> acquainted the Councill itt is necessary to have Fortificacōns and Lodgings for Souldiers on Fort Hill and a New Battery by the Sconce there; which was approved of." On the 28th July it was ordered "That the Ketch Speedwell bought and Employed for his Maj<sup>ties</sup> service be continued and a Boate provided for her. That a Boate be provided for his Excellency and another for the use of the Castle. That the Justices of the Peace in each County doe with their next Rates for Publique charges Raife and Leavy moneyes to pay what allowed Mr. Randolph."

<sup>74</sup> Letter of Hinckley to Blaithwait of June 28, *supra*. "Besides Mr. Randolph's Commission doth not authorize his being Register for his Majesty's Colony of New Plymouth."

<sup>75</sup> *State Papers, Colonial, Bundle* 55 (311). "To the Kings Most Excellent Ma<sup>ty</sup> The Humble Petition of Edward Randolph to be Secretary of all New England." 9 August, 1687, *post*.

The revenue not being sufficient to defray the charges of government, it was resolved on the 10th of August to increase the duty on wine, rum, brandy, and strong waters.<sup>76</sup> A disposition now began to show itself to evade the payment of taxes,<sup>77</sup> which led to decisive measures by the Council, the governing portion of which was strengthened by the arrival of Captain Francis Nicholson, who took his seat at the board on August 24th. On the same day the King's Declaration for liberty of conscience was read in Council, and ordered to be published the following day in Boston, and sent forthwith to the principal places in the Territory.<sup>78</sup> To Sir Edmund was given by the King the power to grant pardons under the

<sup>76</sup> *Council Records of Massachusetts*, Vol. II. 10 August, 1687. "On consideration had of the Charge of the Govern<sup>t</sup> and Revenue not sufficient to defray the same, *Advised and Resolved* That the most proper & easy way to supply the same is that wine may pay thirty or forty shillings p Pye Custome and Rumm, Brandy and strong waters twelve or sixteene pence p gall. excise." At the same meeting was passed an Act for ale, beer, and cider barrels, and size of staves and bonds: also "Resolved that a speciall commission of Oyer and Terminer be granted by his Excell<sup>y</sup> under the Broad Seale of this Territory to such persons as he shall think fitt to try all such offenders [pirates]. The severall Patents following being produced in Council were allowed and approved, vizt: For a house and two peeces of ground in Boston to John Usher Esq<sup>r</sup> att two shillings p anni. Quitt Rent. For a house and ground in Boston to M<sup>r</sup> Henry Mountford att two shillings six pence p anni. Quitt Rent. For a farme in Charle-

towne called tenne Hills containing nine hundred twenty acres to L<sup>t</sup> Col<sup>l</sup> Charles Ledgitt att tenne shillings p anni. Quitt Rent."

<sup>77</sup> *Ibid.* 17 August, 1687. "The inhabitants of Kennebunk in the Province of Maine, pretending themselves a Townshipp refuse to pay Rates under the Towne of Welles." Also *Massachusetts Archives*, Vol. CXXVII. p. 138.

<sup>78</sup> *Council Records of Massachusetts*, Vol. II. 24 August, 1687. "Upon reading his Majestyes Gracious declaration for liberty of conscience and his Proclamation for calling in and suppressing Pyrates and Privateers with the letters from the Right Hon<sup>ble</sup> the Lords of his Majestyes Privy Council for publication thereof, *Ordered* That the said Declaration and Proclamation be published to-morrow before noone in Boston & forthwith sent to the other principal places." Also *Massachusetts Archives*, Vol. CXXVII. p. 139. A summary of the Declaration is given in a note, p. 53, first volume of *Sewall's Letter Book*.



the seal of the Province "in cafes relating thereunto."<sup>79</sup> On the day the Declaration was published, which, besides promising liberty of conscience, also promised that people should be maintained in their possessions and properties, but, which to some appeared to be a snare, not being sanctioned by Parliament, Randolph wrote to Mr. Povey: "I believe all the Inhabitants in Boston will be forced to take Grants and Confirmations of their Lands, as now intended; the Inhabitants of the Province of Maine, which will bring in vast profits to Mr. West, he taking what Fees he pleases to demand. I shall always have a due Honour and Respect for his Excellency, but I must buy his Favour at three or four hundred pounds a year loss."<sup>80</sup> The Council holding the view

<sup>79</sup> *State Papers, Colonial, Entry Book 61*, p. 341. Declaration of Indulgence to be published in New England by S<sup>r</sup> Edm. Andros, 28 May, 1687, *post*.

*Diary of Samuel Sewall*. "1687, Aug. 24. Bartholomew' Day. Indulgence for Liberty of Conscience published here. Aug. 25. M<sup>r</sup> Mather praised God for the Liberty good People enjoy in England. said 'tis marvelous in our Eyes."

David Hume says in his *History of England*, Vol. VIII. p. 226, ed. 1826, "The King finding himself opposed by the Church began to pay court to the dissenters and he imagined that by playing one party against another he should easily obtain the victory over both."

*Diary of John Evelyn*, 16 June, 1687. "Whilst I was in the Council Chamber [at Hampton Court] came in some persons, at the head of whom was a formal man with a large roll of parchment in his hand, being an *Adresse* (as he said, for he introduced it with a speech)

of the people of Coventry, giving his Ma<sup>y</sup> their greates acknowledgments for his granting a liberty of conscience. The *Adresse* was short, but much to the substance of y<sup>e</sup> speech of their foreman, to whom the King, pulling off his hat, sayd, that what he had don in giving liberty of conscience, was what was ever his judgment ought to be don; and that he would preserve them in their enjoyment of it during his reigne, so he would endeavour to settle it by law that it should never be alter'd by his successors. After this he gave them his hand to kisse. It was reported the subscribers were above 1000."

<sup>80</sup> *Andros Tracts*, Prince Society, Vol. I. p. 113. Letter quoted from Randolph to Povey, 25 August, 1687, *post*. On 15 August, John Usher had petitioned for the grant of Long Island in Casco Bay, Maine. *Massachusetts Archives*, Vol. CXXVII. p. 30. On 25 August, Sewall notes that "Mr. Dudley tells me His Father and Mr. Stoughton are petitioning for Patents."

On

view that all titles to real estate were abrogated by the fall of the Charter, "compelled men to take Patents for their own Lands, which they and their Fathers before them had quietly possessed."<sup>81</sup> Uncertainty prevailed, especially among those who, opposed to the new government, possessed valuable landed property. "Some favorites looked with an envious eye upon some of the best estates, especially where the property was in a town or company."<sup>82</sup> Resistance to the payment of taxes being threatened by Taunton, the clerk of the town was summoned to appear before the Council; a justice of the peace who was present at the town meeting was suspended, and the constables were bound over for neglect of their duties. The constables and the selectmen were then ordered to execute the Treasurer's warrant forthwith.<sup>83</sup> At Ipswich the opposition was even more decided.

On the 31st, "upon reading this day in Council the Petition of Edward Ting, Esq<sup>r</sup> about the mill rents granted to him by the President and Council for his care and service att Fort Loyall in Casco yett uncollected, *Ordered* That the mill rents due for the year one thousand six hundred eighty six be forthwith collected and payd to the s<sup>d</sup> Edward Ting accordingly, and that the Treasurer do forthwith cause a particular account to be taken of all the mills and Rents due in the said Province and take care for the effectually gathering & receiving the same in the payment of which no person to be excused, except particular order for the same." At the same meeting ten pounds nine shillings eightpence were ordered to be paid to Isaac Addington as clerk for the committee on revision of the laws.

<sup>81</sup> *Andros Tracts*, Vol. I. p. 113.

<sup>82</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 360.

<sup>83</sup> *Council Records of Massachusetts*, Vol. II. 31 August, 1687. "Shadrach Wilbore clerke of the Towne of Taunton being by the Messenger brought before this Board and examined about a scandalous, factious and seditious writing sent from the said Towne to the Treasurer in answer to his Warr<sup>t</sup> for the publique Rate signed by him as clerke he owned the same and declared it to be the Act of the Towne. *Ordered* That the said Shadrach Wilbore be bound over to answer for the same att the next Superior Court to be holden att Bristol. And that in regard Justice Tho. Leonard was present att the Towne meeting when the said writing was voted and did not hinder the same, that he be suspended from the said office.

cided. The town meeting on August 23d refused to appoint a commissioner to levy taxes on the inhabitants, which had been ordered by Mr. Usher, the Treasurer of the Province, according to the act passed by the Council, it being claimed that the only legal way to lay taxes was by an Assembly, otherwise there was an infringement of their rights as freeborn Englishmen. The principal leaders of the opposition were the Rev. John Wife<sup>84</sup> of Chebaco, in the township of Ipswich, and John Appleton of Ipswich. The matter was very serious, requiring prompt action, but the Council did not meet after the 3d of September until the 21st, Randolph being absent in New Hampshire<sup>85</sup> on official business, while Joseph Dudley and Peter Bulkley were holding court in Essex County.<sup>86</sup> At the meeting of  
the

office. And that the constables of the said Town be likewise bound over to answer att the said Court for neglect of their duties in not obeying the Treasurer's warrant. And that the constables and selectmen of the said Towne doe forthwith cause the said warrant to be fully executed." Also *Massachusetts Archives*, Vol. CXXVII. p. 141.

<sup>84</sup> *History of Ipswich, Essex, and Hamilton*, by Joseph B. Felt, ed. 1834, p. 258. Rev. John Wife, son of Joseph Wife of Roxbury, was baptized 15 August, 1652, graduated at Harvard in 1673. After the overthrow of Andros he brought a suit against Dudley, who as Chief Justice had refused to grant him the writ of habeas corpus when imprisoned. He was a strong upholder of the Congregational system of worship, being the author of the "Vindication of the Government of New England Churches." He died in 1725.

<sup>85</sup> *Massachusetts Archives*, Vol.

CXXVII. p. 75. Account of articles from ship Johanna under seizure delivered by Edward Randolph, Portsmouth, 5 Sept. and 7 Sept., 1687, *post*.

Before starting for New Hampshire Randolph received from William Glanville a power of attorney authorizing him to receive money due him at Kittery. *Massachusetts Archives*, Vol. CXXVII. p. 65. W<sup>m</sup> Glanville's Letter of Attorney to Edward Randolph, 1 September, 1687, *post*.

<sup>86</sup> *Massachusetts Archives*, Vol. CXXVII. pp. 93, 102, 103. Robert Mason, who was present at the meeting of the Council on August 10, wrote to the Governor from Great Island, New Hampshire, 13 August, that he had been to Newbury, where nothing had been done in regard to levying the taxes, there being a want of justices of the peace, one of the incumbents being infirm and the other living too far away, and that there were no military officers,  
which

the 3d, Randolph was placed on a committee with others to regulate "all the Fees for Courts officers and officers throughout the Dominion." In establishing the courts and the mode of administering oaths the English custom of swearing by the Bible had been introduced, which was distasteful to many of the colonists, who were accustomed to the lifting up of the hand simply, and to some it seemed unlawful.<sup>87</sup> The government, however, imposed the new method gradually. When the Council reassembled on the 21st of September, they were confronted with a growing opposition, which was wide-spread. Several prominent inhabitants of the Colony had been arrested, and information lodged with Sir Edmund that there were mutterings against the Government.<sup>88</sup> It was reported that the minister of

Rowley

which defects ought to be remedied. He hopes he will have no difficulty with his tenants. *Ibid.*, Vol. CXXVII. p. 20. Peter Bulkley was sworn justice of the Superior Court, 15 August. *Ibid.*, p. 33. On 27th August, Fones Andros, Ensign, was made commandant at Fort Pemaquid. *Ibid.*, p. 56. On 30th August was issued the order for arrest of S. Wilbore, clerk of Taunton. See *Ibid.*, p. 59.

<sup>87</sup> *Council Records of Massachusetts*, Vol. II. 3 Sept. 1687. "Ordered That Joseph Dudley, W<sup>m</sup> Stoughton, Rob<sup>t</sup> Mason, John Usher, and Edward Randolph Esq<sup>r</sup> or any three of them, whereof one of the Judges to be one with the Deputy Secr. do forthwith make a settlement & Regulation of all the Fees for Courts officers and officers throughout the Dominion and Reporte the Same to this Board accordingly." At the same meeting the order made by President Dudley and Council, appointing the places and times for unloading of goods, was confirmed.

*Andros Tracts*, Vol. I. p. 179. A Brief Discourse concerning that Ceremony of Laying the Hand on the Bible in Swearing by Samuel Willard, Minister of a Church in Boston in New England. Whether the English custom of laying the Hand on the Bible in swearing be lawful?

Sewall mentions an instance where some of a jury swore by laying their hands on the Bible, while "others swore lifting their hands up as formerly."

<sup>88</sup> *Massachusetts Archives*, Vol. CXXVII. p. 93. Order for the arrest of John Appleton was issued 15 September. He was examined before the Governor on the 16th. *Ibid.*, p. 102. On the 16th, order was issued to apprehend John Wise. See *Ibid.*, p. 103. On the same day was sent the petition of J. How and Ephraim Dorman for pardon for aiding and abetting the resistance made by the Town of Topsfield to the Treasurer's warrant. See *Ibid.*, p. 109. On the 19th of Sept. warrant was sent

to

Rowley was exciting sedition, and had called Randolph "a wicked man," evidently considering him as the author of the evils suffered by the people.<sup>89</sup> The Council acted vigorously. Many "being committed for refusing to pay their Rates pursuant to the Treasurer's Warrant, and makeing and publishing Factious & seditious votes & writeings against the same were this day severally examin'd in Councill. *Ordered*, That they stand committed till they have their tryalls at Boston by speciall Commiſion which his Excell<sup>ty</sup> will please to issue forth the next weeke."<sup>90</sup>

This

to Woodgate, the messenger, to arrest Dudley Bradstreet of Andover, Thos. Larkin, Samuel Appleton, Nath. Saltonstall, John Howlett, Joshua Brodbank, of Haverhill. *Ibid.*, p. 115.

<sup>89</sup> *Massachusetts Archives*, Vol. CXXVII. p. 117. The information of Phillip Nelson of Rowley, a justice of the peace, to the Governor and Council "that the Rev. Mr. Samuel Phillips, pastor of the Church of Christ in Rowley hath some time in ye month of May last past raised an evill report of Squire Randolph, one of his Majestys Councill in terming him or calling him a wicked man and did blame ensigne Plats for keeping company with wicked men and did nominate Squier Randolph and at the same time that he was a wicked man and that he had got an office thereby and other words to the like effect; now of late the charge being declared publicly, therefore this information is sent." The deposition of Ensigne Abel Plats of Rowley, and of his wife Lydia follows. 19 Sept. 1687.

<sup>90</sup> *Council Records of Massachusetts*, Vol. II. 21 Sept. 1687. The members present were Sir Edmund Andros, Joseph Dudley, Waite Winthrop, Nath. Clarke, W<sup>m</sup> Stoughton, John Usher, John Hincks, Rob<sup>t</sup> Mafon, Barth<sup>o</sup>. Ged-

ney, Edw. Randolph, Peter Bulkeley, Francis Nicholſon. The prisoners brought before them were Jacob Murrill [Merrill?], Joshua Bayley, William Hutchins, John Pierſon, John Dreſſer, John Wiſe, Robert Kinsman, John Appleton, John Andrews, John French, W<sup>m</sup> Rayment [Raymond?], and W<sup>m</sup> Goodhue, all of the County of Eſſex. Theſe were to be tried in Boston by a ſpecial court. Benjamin Stevens, John Stevens, James Bayly, Joſeph Jewett, Nathaniell Treadwell, John Whipple, & John Weed "being committed for the like miſdeemeanour & Examined, *Ordered* That they be bound over in two hundred pound each with ſurtyes to appeare att the next Superior Court to be holden in the County of Eſſex to abide their tryalls and in the meane time to be of good behaviour. Nathaniell Browne, John Bayly, Joſeph Chaplin, Tho Hart, Symon Wood, John Harris, Thomas Patch, Andrew Elliott and John Sibly, being likewise apprehended for the ſame miſdeemeanour but on their examinacōn appearing more ingenuous and leſſe culpable then the others, upon their humble Submiſſion and acknowledgment were diſcharged paying their Fees."

See *Massachusetts Archives*, Vol. CXXVII.

This action was followed on the 23d by an order to the High Sheriff and Justices of the Peace of Essex to summon before them the inhabitants and selectmen of the towns, and that "they have a list made of all the male persons above sixteen yeares of age and a true estimation of all their reall & personall Estates; and that they also make enquiry in the severall Townes of Gloster, Haverill and Boxford and examine & binde over such persons as have beene Factious and Seditious there and contemptuously refused to obey and execute the warr<sup>ts</sup> of the Treasurer. And that the charge of this service be defrayed by the severall Townes proportionably."<sup>91</sup> In order to curb the power of the towns it was decided at the same meeting of the Council to ask the advice of the judges in the preparation of a bill "For regulating the choice of Select men and Towne Meetings."<sup>92</sup>

Accordingly

CXXVII. p. 145, for petition of J. Pierfon, Moderator, and the Selectmen of Rowley for pardon, having been bound over for refusing to appoint a commissioner, dated 21 Sept. *Ibid.*, p. 147, same date, for the Petition of Rev. John Wife, the selectmen and other of the Inhabitants of Ipswich, regretting they had fallen under the displeasure of the Governor, and been accounted disloyal, "We humbly pray yo<sup>r</sup> Excell<sup>ties</sup> and Councill favour in the Pardon and passing over our offence in the neglect of y<sup>e</sup> command by M<sup>r</sup> Treasurer's Warrant directed unto us, hoping you will please impute it rather to our ignorance than obstinacy; the time being now elapsed we cannot precisely comply, yet we shall endeavour a speedy prosecution of the worke, the making a List of assessment of the Persons and Estate of our Town and Transmit the same unto the Treasurer."

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<sup>91</sup> *Council Records of Massachusetts*, Vol. II. 23 Sept. 1687. "The severall Townes in the County of Essex, except Salem, Newberry, and Marblehead, having neglected and refused to do their duties in choosing a Commissioner and makeing the lists and assessments of their Respective Inhabitants as by Law they ought, Ordered That Charles Bedford Esq. High Sheriffe of said County with W<sup>m</sup> Browne, John Hawthorne and Philip Nelson, Esq<sup>r</sup> Justices of the Peace," etc.

<sup>92</sup> *Council Records of Massachusetts*, Vol. II. 23 Sept. Bills were also to be prepared "for enlarging the Jurisdiction of the Inferiour Courts, and to require masters of shippes to give security." On the same day an order was issued to imprison Rev. John Wife. *Massachusetts Archives*, Vol. CXXVII. p. 156. Also an order of arrest of Dudley Bradstreet. *Ibid.*, p. 158. Mr. Wife

Accordingly such a bill, being immediately prepared, was read twice and ordered to be engrossed on the next day.<sup>93</sup> It provided that the yearly meeting should be on the third Monday of May, at which all town officers were to be selected, including a commissioner for levying taxes. In case of refusal to accept office, others were to be appointed by the justices of the peace: constables chosen, who refused to serve, to be fined five pounds. No other than the stated town meeting to be allowed, "upon any pretence or colour whatsoever."<sup>94</sup>

The prisoners who were to be tried in Boston, and not in their own county, petitioned on the 27th that they might be released on bail, but this was not granted.<sup>95</sup> The next day

Wife petitioned on the same day that he might be allowed to sleep out of prison. *Ibid.*, p. 158.

<sup>93</sup> *Council Records of Massachusetts*, Vol. II. 24 Sept. 1687.

<sup>94</sup> *Connecticut Colonial Records*, Vol. III. p. 427. The bill is a long one, and is numbered 14, "An Act for regulating the Choice of Select men, constables and other officers in the respective Towns within this Dominion," under date of 17 March, 1687-8, when it was probably amended for the last time.

<sup>95</sup> *Massachusetts Archives*, Vol. CXXVII. p. 164. Petition of Wife, Appleton, and others, from Boston jail, that they may be released on bail, 27 September.

Sewall writes in his *Diary*: "Saturday 17 September. As we come home find Jn<sup>n</sup> Appleton, clerk, L<sup>t</sup> Andrews, Moderator, and another in custody at Mr. Gibb's house under the charge of Souldiers. Sept. 28. This

day went with Mr. Mather and visited Cap<sup>t</sup>. Bradstreet, who was much distracted last night but now pretty well; said he had not slept in several nights, being confined at Fort Hill. After, I went and visited Major Appleton. Major Saltonstall is gon home this day, giving Bond to appear at Salem Court."

On September 5th Andros had written to the Secretary of the Admiralty: "I have made a battery & am now fortifying a place att y<sup>e</sup> South end of y<sup>e</sup> Town called fort-hill very proper & absolutely necessary for his Mat<sup>ies</sup> service." *Massachusetts Archives*, Vol. CXXVII. p. 76.

On the 28th September the Council "Ordered That the currant prices of corne in payment of the publique Rates be as followeth, vizt. wheate four shillings p Bushell, Rye two shillings eight pence, merchantable Indian Corne one shilling eight pence, Pease three shill. six pence, Oates one shill. & four pence, Mault and Barly att three shill<sup>es</sup>."

day the Special Court was constituted by Sir Edmund appointing "Joseph Dudley, W<sup>m</sup> Stoughton, Peter Bulkeley, Robert Mason, Waite Winthrop, Jn<sup>o</sup> Usher, Bartholomew Gedney, Jn<sup>o</sup> Hincks, Edw<sup>d</sup> Randolph & Francis Nicholson"; three to be a quorum, one of which must be either Dudley, Stoughton, or Bulkley as justices.<sup>96</sup> On the 3d of October,

<sup>96</sup> *Massachusetts Archives*, Vol. CXXVII. p. 167. Instructions to Joseph Dudley, Chief Justice, Edward Randolph, and others. They were to inquire into "treasons, misprisions of treasons, Insurrections, Rebellions, Murders, felonies, Homicides, Confederacings, false reports, Trespasses, Ryotts, Routs, unlawfull assemblies, contempts, misdemeanours, misdeeds, offences etc, for this time to heare & determine according to Law & Custom of o<sup>r</sup> Kingdome of England & of this o<sup>r</sup> territory & Dominion of New England. [signed] by Sir Edmond Andros Kn<sup>t</sup>. Capt Generall & Govern<sup>r</sup> in Chiefe, and sealed with y<sup>e</sup> Greate Seale of the Territory. 28 September, 1687." Two days after, Dudley Bradstreet was brought before the Council.

*Council Records of Massachusetts*, Vol. II. 30 Sept. "Mr Dudley Broadstreet Commiſioner for the Towne of Andover being committed to the custody of the messenger for neglecting and refusing to discharge his duty with the other commiſioners in examining compleating & returning the rates and assessments of his Towne; upon his Examination confessing that what he did was pursuant to the directions and Instructions he had from his Towne; was Ordered to stand committed till further Examination." On the 5th of October, "Mr Dudley Broadstreet being again brought before this Board acknowledged his greate imprudence and folly

in being misledd by the Direc<sup>cons</sup> and Instructions he received from his Towne to the neglect of his duty humbly submitting himselfe to the mercy and favour of the Board, Ordered That he be discharged from the Messenger on giving security in Recognizance of One Thousand pounds for his appearance att the next superiour Court att Salem and in the meantime to be of his good behaviour. Major Samuella Appleton of Ipswich being likewise committed into the Custody of the Messenger on suspicion of being concerned in the late disorders and Tumults in the County of Essex and now brought before this Board prayed to be discharged refusing to answer what demanded of him, Ordered That he stand Committed to the Messenger untill further Examination." On the 19th of October, "John Osgood, Samuella Howlett and John Hovey of the County of Essex being apprehended and brought before this Board to answer for the Contemptuously refusing to make their Rates pursuant to the Treasurer's Warrant and making and publishing factious and seditious votes and writings against the same and thereupon being severally examined, Ordered That they give security by Recognizance in five hundred pounds each, to appeare at the next Sup<sup>r</sup> Court att Salem and in the meantime to be of their good behaviour. Christopher Osgood being likewise apprehended to answer for the same misdemeanour but on his examination appearing



October, the Court, consisting of Dudley, Stoughton, Usher, and Randolph, met, but sentences were not pronounced until the 24th. Mr. Wise was suspended from "the publick and Private Ministry within his Majestyes Territory and Dominion of New England during the pleasure of his Excellency," fined, and obliged to give security for his future good behavior, and pay the costs of prosecution. The other prisoners were made incapable of holding public office, during the Governor's pleasure, and suffered the other penalties inflicted on Mr. Wise.<sup>97</sup> The prisoners, having pleaded in defence their rights under the *Magna Charta* of *England*, were told by Chief Justice Dudley "we must not think the Laws of *England* follow us to the Ends of the Earth, or whither we went." And to Mr. Wise the same judge said, "You have no more priviledges left you than not to be sold for Slaves, and no man in Council contradicted."<sup>98</sup> These vigorous

appearing more ingenuous and lesse faulty than the others, upon humble submission and acknowledgment was *Ordered* to be discharged paying his Fees. Major Samuell Appleton of Ipswich committed to the custody of a messenger for being a factious and seditious person and disaffected to the Government and now brought before the Councill for further Examination *Ordered* That he continue committed untill he give sufficient surety by Recognizance in the summe of one thousand pounds to appeare att the next Superiour Court to be holden att Salem to answer what shall be objected against him and in the meane time to be of good behaviour."

On the 3d of October, J. Pierfon petitioned that his fine might be remitted.

*Massachusetts Archives*, Vol. CXXVII. p. 180.

<sup>97</sup> *State Papers, Colonial, Bundle* 55 (243). Oct. 1687. Proceedings against Wise and others of Ipswich for misdemeanors, *post*. Mr. Wise was fined 50£, his security was for 1000£, he to remain in the custody of the Sheriff until performance. John Appleton the same. John Andrews to pay 30£, his security 500£. Thomas French 15£, security 500£. Robert Kinsman 20£, security 500£. William Goodhue 20£ fine, 500£ security.

<sup>98</sup> See *Andros Tracts*, Vol. I. p. 65, for full account of the trial in "The Revolution in New England justified," by E. R. [Edward Rawson], and S. S. [Samuel Sewall]. The fines, legal costs, etc. amounted to about £400.

vigorous measures had the desired effect, and all open resistance ceased.<sup>99</sup>

Before the close of the trial, instructions came to Andros from England to annex Connecticut to the Dominion of New England, that Colony having submitted, and accordingly it was resolved by the Council on the 22d of October to take formal possession with some ceremony and show of power.<sup>100</sup> On the 26th, Sir Edmund set forth from Boston, accompanied

<sup>99</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 361. "The Governor with four or five of his Council laid what taxes they thought proper. This the people complained of as their greatest grievance. They thought themselves intitled to the liberties and immunities of free and natural born English subjects, and that consequently no monies ought to be raised from them but by their representatives. They had no hopes of a restitution of their Charter privileges in general; but they hoped that, even under so arbitrary a prince, they should be allowed a house of representatives. There was a general submission to the taxes. An intire new model of government was intended, but there was not time to perfect it."

On the 10th of October was received by the Committee in London the state of his Ma<sup>ties</sup> Revenue in New England. *State Papers, Colonial, Bundle 55* (213), *post*.

<sup>100</sup> *Council Records of Massachusetts*, Vol. II. 22 October, 1687. "His Excellency acquainting the Council with orders he had received from his Majesty about Connecticut annexed to this Government; *Advised and Resolved* That his Excellency doe goe in person or send about the latter end of the next weeke to take the said place under his Government pursuant to the said orders with such of the Council, or

other persons, Guards and attendance as he shall think fitt; of which to give notice to Governor Treat and Secretary Allen."

See *Massachusetts Historical Society Collections, Fourth Series*, Vol. II. p. 297, for the King's order in Council at Hampton Court, 18 June, 1687, in which is said, "they [the colonists] do in all duty declare their readiness to submit to your Royall commands."

Gov. Andros wrote to Gov. Treat on October 22, stating that he had "received effectually orders and commands from his Ma<sup>ty</sup>" to annex Connecticut, "and resolve to send or be myself at Hartford ab<sup>t</sup> the end of next weeke." *Connecticut Colonial Records*, Vol. III. p. 367.

In the *Council Records of Massachusetts*, Vol. II. 25 October, 1687. "*Ordered* That the Treasurer doe take care to defray the expence and charge of his Excellencies journey to Connecticut."

The Colony of New Plymouth petitioned James II. in October that they might again have the probate of wills and granting of administration as formerly, Mr. West exacting exorbitant fees, besides the cost of a journey to Boston; also that the Court documents and other legal papers belonging to them be restored. *Massachusetts Historical Society Collections, Fourth Series*, Vol. V. p. 176.

accompanied by several of the Council and other civilians, and a small armed force.<sup>101</sup> Mr. Randolph and Mr. Nicholson were not among the number, it being considered, probably, very necessary that two at least of the members of the Council, who had the actual control of affairs, should remain at the seat of government. The Governor was well received on his journey. "At Wethersfield, where he crossed a ferry, he was met by a troop of horse who escorted him to Hartford. There he found the train bands of divers towns united to pay him their respects."<sup>102</sup> On the 1st of November he took formal possession of the Colony in presence of an assemblage in the Court House, when Mr. Treat and Mr. Allyn were sworn in as members of the Council for the whole Dominion.<sup>103</sup> On the 16th he returned to Boston,

<sup>101</sup> *Diary of Samuel Sewall*. "Wednesday, Oct. 26. His Excellency with sundry of the Council, Justices and other Gentlemen, four Blew-Coats, two Trumpeters, 15 or 20 Red-Coats with small Guns and short Lances in tops of them set forth." On the 16th, Sewall mentions the trouble still continuing between Mr. Ratcliff and the South Church. "Had the Sacrament today at the North Church; Mr. Ratcliff also had the Sacrament; and sent to Mr. Willard yesterday to leave off sooner. To which Mr. Willard not consenting Governour sent for him in the night." He speaks also of the arrival of Lady Andros [daughter of Sir Thomas Craven]. "Oct. 17. Weare arrives, in whom comes the Governour's Lady. Oct. 18. Belcher arrives today, who its' said is Deputy to Sir W<sup>m</sup> Phipps, Provost Marshal. Mr Eliot said the King was turned a Puritan, and he was ravished at it. The same

day the Governour's Lady arrived, word came that Capt. Phipps was Knighted, so have two Ladies in Town." Randolph gives Oct. 25th as the date of Sir Edmund's departure from Boston.

<sup>102</sup> *History of New England*, by J. G. Palfrey, ed. 1864, Vol. III. p. 542.

<sup>103</sup> See *Connecticut Colonial Records*, Vol. III. p. 248, for the last meeting of the General Court. "His Excellency S<sup>r</sup> Edmond Andros, Kn<sup>t</sup>. Capt. Generall & Gov<sup>r</sup> of his Maj<sup>ties</sup> Territorie & Dominion in New England, by order from his Ma<sup>ty</sup> James the second, King of England, Scotland, France & Ireland, the 31 of October 1687, took into his hands the Government of this Colony of Connecticut, it being by his Ma<sup>ty</sup> annexed to the Massachusetts & other colonies under his Excellencies Government. *Finis*."

*Council Records of Massachusetts*, Vol. II. "Att a Councill held att Hartford on Tueday the first day of Nov<sup>r</sup> 1687.

ton,<sup>104</sup> having accomplished the object of his journey, "so y<sup>e</sup> now y<sup>e</sup> several Colonies are united under his Maj<sup>ties</sup> Immediate Govern<sup>mt</sup> and authority, viz': the Massachusetts, New Plymouth, Connetticott, Rhode Island, and y<sup>e</sup> Provinces of N. Hampshire, Maine and Pemaquid, and y<sup>e</sup> King's Province lying above seven hundred miles in length and above seven hundred miles upon the western Sea."<sup>105</sup>

Although Sir Edmund's authority seemed now to be fully and firmly established, and the 1st of December was appointed for the whole Dominion "as a day of praise and thanksgiving to

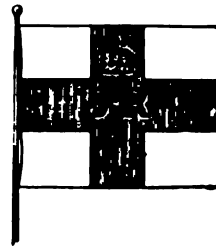
1687. *Present*, His Excellencye S<sup>r</sup> Edmond Andros, Kn<sup>t</sup>. Joseph Dudley, W<sup>m</sup> Stoughton, Rob<sup>t</sup> Mason, John Fitz Winthrop, John Usher, John Pincheon, Barth. Gidney, Edw. Ting, Esq<sup>r</sup>. . . . Before noone the said Governor [Treat] and magistrates [of Connecticut] attending on his Excellencye att his Lodging they altogether went from thence to the publike Court house where his Excellencye publiqly signified the occasion of his coming and commanded his Majestyes Letters Patents for the Govern<sup>t</sup> of New England and his Maj<sup>ties</sup> orders to his Excellencye for annexing the said Collony to this Dominion of New England and to take the same under his Government to be publiqly read, which was done accordingly." He then told them that "the former authority & Gen<sup>l</sup> Court of that Collony was dissolved, and the said collony annexed to the Dominion of New England accordingly. Pursuant to his Majestyes commands Rob<sup>t</sup> Treat, Esq<sup>r</sup>, the late Gov<sup>r</sup> of Connetticott and John Allen, Esq<sup>r</sup>, the late Sec<sup>r</sup>y were sworne of his Maj<sup>ties</sup> Councill." The next day the Sheriffs and Justices of the Peace were appointed for the counties of

and Fairfield. The names are given in the *Council Records*, Vol. II. 2 November, "His Excellencye travelled from Hartford to Fairfield saw the Justices of the Peace in their respective Countyes and Sheriffes sworne, commisionated Military officers in each Towne and Custome Officers in the severall Sea Ports."

<sup>104</sup> *Diary of Samuel Sewall*. "Nov. 16. The Governour comes to Town returning from taking the Government of Connecticut."

<sup>105</sup> *Massachusetts Archives*, Vol. CXXVII. pp. 218-220. A short Narrative of my proceedings and several voyages etc. humbly presented by Edward Randolph, *post*.

The flag proposed for the Dominion of New England is described in *State Papers, Colonial, Bundle 55* (102), as follows: a red cross on a white ground, in the middle of the cross the letters J. R. [Jacobus Rex], and above a crown.



to Almighty God for his Majestyes health (whom God long preserve to Reigne over us) & his many Royall favours bestowed on his subjects here,"<sup>106</sup> there were still some mutterings of discontent. The Rev. Charles Morton of Charlestown was summoned to appear on November 24th before the Council for using "seditious expressions" in one of his sermons, and "bound over to appeare att the next Superiour Court in five hundred pounds; and James Atkins being committed by Capt<sup>n</sup> Nicholson for spreading lyeing and false news and Reports *Ordered* That he be proceeded against for the same att the next sessions."<sup>107</sup> The feeling had been increased by the Governor's action in forbidding the churches of Boston holding services of thanksgiving for the King's declaration of liberty of conscience, and "threatening that he would set Guards of Souldiers on their *Church-Doors*, if they Attempted what they Pretended to."<sup>108</sup> On the same day

<sup>106</sup> *Council Records of Massachusetts*, Vol. II. 19 November, 1687. John West as deputy Secretary wrote on 23 November to John Allyn announcing that the 1st of December was appointed Thanksgiving Day, "thro'out this Dominion." *Connecticut Colonial Records*, Vol. III. p. 393.

<sup>107</sup> *Council Records of Massachusetts*, Vol. II. 24 November, 1687. At this meeting "An act for continuing the choice of Selectmen and regulating Town Meetings being now Ingrossed was againe read but objected against & could not passe. Liberty is granted to the French Congregation to meete in the Latine Schoolhouse att Boston as desired." Mr. Morton's sermon was preached in September. He is mentioned in "The Revolution in New England justified," in *Andros Trails*, Vol. I.

p. 112. "That Reverend person Mr. Charles Morton was causelessly and maliciously prosecuted, that they might give him a blow." He was acquitted. See *Palfrey's History of New England*, Vol. III. p. 547, ed. 1864.

<sup>108</sup> *Andros Trails*, Vol. III. p. 126, taken from Cotton Mather's *Parentator*, or Memoirs of Increase Mather.

Hutchinson says in his *History of Massachusetts Bay*, 2d ed., Vol. I. p. 357: "Many Congregations agreed to address the King. Some persons who supposed popery to be at the bottom, strongly opposed the addresses. The late deputy governor was at the head of them." Danforth wrote to Mather, 8 November, 1687: "For my own Part, I do more dread the consequences thereof [declaration of liberty of conscience] than the execution of those

day Sir Edmund relieved Mr. Wise from his suspension as minister on "his petition & applycaõn of severall worthy persons on his behalfe."<sup>109</sup>

The whole of New England being now united, Sir Edmund proposed to bind the distant parts more strongly together by establishing a postal service,<sup>110</sup> which was accomplished in time; but above all it was necessary to extend the laws, recently passed, to the former Colony of Connecticut, which was finally done in Council, Mr. Randolph being present,

those penal laws, the only wall against popery. We may, without breach of charity, conclude the popish counsels are laid deep." However, an address was sent from the ministers of New England, which was printed in the London Gazette, No. 2300, Dec. 1-Dec. 5, 1687, preserved in *State Papers, Colonial, Bundle 55* (224).

<sup>109</sup> *Massachusetts Archives*, Vol. CCXLII. p. 341. Governor Andros's order discharging Rev. John Wise from prohibition to preach. "These are to certify that upon y<sup>e</sup> humble petition of y<sup>e</sup> sd Jn<sup>o</sup> Wise & applycaõn of severall worthy persons on his behalfe, I doe hereby forgive & enlarge him y<sup>e</sup> sd Jn<sup>o</sup> Wise from that parte of y<sup>e</sup> sd sentence inhibiting y<sup>e</sup> exercise of his ministry given under my hand att Boston y<sup>e</sup> 24<sup>th</sup> day of November 1687. E. A. [Edmund Andros.] By his Excell<sup>ty</sup> Com<sup>d</sup>. J. W. [John West]."

Shadrach Wilbore had petitioned to be forgiven on 5 November. See *Massachusetts Archives*, Vol. CXXVII. p. 236.

In *Council Records of Massachusetts*, Vol. II. 30 November, 1687. "Upon informaõn given by the Messenger that Major Samuell Appleton hath not attended the last order of this Board, Ordered That he be committed to the cus-

tody of the Sherriffe, there to remaine untill he give security in one thousand pounds for his good behaviour, and to appeare att the next Salem Court, pay his fees," etc. On the 2d of December came a letter from Gov. Dongan of New York, dated from Albany, begging for assistance from Massachusetts against an invasion of the French, to which Sir Edmund replied that he would do what he could. *Council Records of Massachusetts*, Vol. II.

<sup>110</sup> *Connecticut Colonial Records*, Vol. III. p. 397. Letter of John Allyn to Sir Edmund Andros, Hartford, Dec. 5, 1687. "S<sup>t</sup> your appoyntment of a Post I hope will be of very good use. Thereby there will be opportunity of conveying intelligence from one end of the country to another, and I believe Perry will undertake once a month to pass from Fayrefield to Boston in the winter and once in three weekes in the summer, or oftener, if your Excellency desire it, and the charge of it upon the whole will be no great matter; should it be put upon letters at first, I believe it will not answer the charge to satisfis the Post; but if it were tryed one year by a salery, the better guels may be given for a future settlement of it, as your Excellency shall see meet."

present, on the 29th of December.<sup>111</sup> In that Colony there was still a feeling that they had been hasty in surrendering their government.<sup>112</sup>

In addition to his duties as Councillor, in which he was constant, and as Collector of Customs,<sup>113</sup> Randolph acted, at one time, as selling agent for Thomas Bradford of London in disposing of a certain number of hats sent to the Boston market in June, 1686, most of which appear to have been sold by December, 1687.<sup>114</sup> In the mean time Mr. Robert Mason was trying to bring his claims for land in New Hampshire

<sup>111</sup> *Council Records of Massachusetts*, Vol. II. On the 19th of December the Council confirmed the title of Joseph Dudley, William Stoughton, and Dr. Daniel Cox to a tract of land eight miles square in the Nipmug Country, without payment of quit rent; also for Dudley's houses and lands at Roxbury free of rent; besides for many others, evidently friendly to the government, all free of quit rents. On the 20th of December, "An Act declaring the severall Lawes made by the Gov<sup>r</sup> and Councill to be in force in Connecticut &c. and an act for enlarging the Jurisdiction of the Inferiour Courts being read, *Ordered* That they be putt into one and brought in the next meeting of the Councill." On the 21st of December, "An Act declaring the severall Lawes made by the Gov<sup>r</sup> and Councill to be in force in Connecticut and for settling Courts being read, *Ordered*, That the same be ingrossed." On the 27th, the Act was amended by inserting that "the Superior Courts in Essex and Midd<sup>x</sup> be reduced to two circuites in the year," and on December 29th the Act, as amended, passed. This is the last record copied and sent from the State Paper Office in London. Robert Lemon,

the chief clerk, certifying, in 1846, that the minutes of Council between 29 December, 1687, and May 16, 1692, are missing from the collection in the State Paper Office in London.

<sup>113</sup> *Diary of Samuel Sewall*. "Dec<sup>r</sup> 9. Mr. Palmer at the Coffee-House, said Connecticut had received Letters from their Agent by Prentice, gone into New London, in which desires Money; and that they are troubled at their hasty Surrender."

Richard Wharton had written to Wait Winthrop from London, 17 Nov. 1687: "Three ships are arrived from Boston since y<sup>e</sup> I came in, but having not a lyne from y<sup>e</sup> selfe or any gentlemen of y<sup>e</sup> Councill save Mr. Randolph, I am freed from y<sup>e</sup> care of answers. I heare not that there is like to be any pceedings agt Conecticot Charter this tearme, and some of their friends here please themselves with hopes that they will not surrender without a condemnation."

<sup>114</sup> *Massachusetts Archives*, Vol. CXXVII. p. 295, *post*.

<sup>114</sup> *Ibid.*, Vol. CXXVI. p. 17. Hats shipped by Thomas Bradford to Edward Randolph, *post*.

Hampshire to a settlement, but without success. The inhabitants petitioned Governor Andros, on December 12th, to stay the writs of execution issued against them and allow them to have a fair legal trial.<sup>116</sup> In this month began a trial, interesting from the fact that it was brought by Randolph, the head of the prerogative or royal party, against the Rev. Increase Mather, the representative of the charter and popular party, which has led to a long controversy, not yet settled. Four years previously a letter had been sent to the Rev. Thomas Gouge, at that time the minister of a congregation of English Independents in Amsterdam, signed with the initials I. M., which reflected strongly on the English government, using expressions that would certainly prejudice those in power against the writer. A copy of the letter was sent by a Scotch friend to Mr. Randolph, who in turn sent a copy to Mr. Dudley. When Mr. Mather saw it, he denounced it to be a forgery, writing a letter to Mr. Dudley, quoting expressions from the spurious one to show that he could not be the author of it, and intimating in very strong terms that Randolph himself must be the writer. "The letter forger saith that Randolph has perswaded two Colonies to fall off from uniting with us. This is a great untruth, & some upon reasonable termes conjecture that no man except Randolph could tell such an impudent lye, when the whole Country knowes the contrary. He addeth we had power by our Charter to protect those, who flye for Protection

<sup>116</sup> *Massachusetts Archives*, Vol. CXXVII. p. 290. Petition of sundry inhabitants of New Hampshire that a Superfedeas may be granted to writs of Execution issued against them; they with a fair legal trial against Mr. Mason. 12 December, 1687.



tion fake, as we did Goff & Whaly, this doe sufficiently intimate who was the author of this forgery, viz. that it was Randolph himselfe, for it is well knowne, he did once exhibit a complaint against this Collony, because in their Law-book it is declared, if men fly thether, being persecuted, they shall finde favour, and [the] lying comment that Randolph made upon it, was by virtue of this law of the people in New England in showing kindness to Goff & Whaley. Let all rational men judge whether any one but Randolph was the Authur of this Forgery. Besides there is so much said of Randolph in this spurious letter, that giveth just cause to suspect him to be the Father of it. It is reported that he has a notable art in imitating hands, that he can doe it soe exactly, that a man cannot easily discerne the knavery, & that one of the Randolphs being detected of such villany, is lately fled to save his ears." This attack led Randolph to bring a suit against Mr. Mather for defamation, in which Randolph was defeated, and had to pay the costs.<sup>116</sup> The jury

<sup>116</sup> The account of the trial has been fully given by Col. Hoyt, as editor of the *Historical Papers* of C. W. Tuttle, pp. 295-310.

The letter to Rev. Mr. Gouge, 3 Dec. 1683, and that of Mather to Dudley, 10 Nov. 1684, will be found *post* in chronological order, as well as other papers, including a brief written by Randolph himself. The first intimation that a suit was to be brought seems to be in a letter from John Allyn to Fitz-John Winthrop. "Hartford, Decem<sup>br</sup> 10, 1687. We have no newes from Boston, save that of Mr. Randolph suing of Mr Mather in an action of slander which is to come to a tryall the

last of this month." See *Massachusetts Historical Society Collections, Sixth Series*, Vol. III. p. 485.

The warrant to arrest Mather was issued on the 24th of December. See *post*.

Sewall says in his *Diary*: "1687 Sabbath Dec<sup>r</sup>. 25. Have the Lord's Supper at the South Church, break up about noon, at which time I hear that Mr. Mather was on Satterday between 1 & 2 P. M. Arrested by Larkin to answer for a Trespafs on Mr. Randolph, 500*l*. damage. Major Richards and Capt. Turrell bound." The trial took place on the last Tuesday of January, 1687-8, which was the last day of the month

jury were probably influenced by the popular feeling in favor of Mr. Mather, as well as by the news that reached Boston

month, before Dudley, Stoughton, and several Justices of the Peace of Suffolk County. The jury consisted of George Turfrey, Adam Winthrop, William Hobby, Gervaise Ballard, Robert Howard, William Gibson, Simeon Stoddard, Bozoan Allen, Humphrey Parsons, Thomas Stanbury, Duncan Campbell, and John Pinchon. The jury found for the defendant. See Pleas in the case of Edward Randolph against Increase Mather in *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 703. Col. Hoyt omits the name of John Pinchon in his list of jurors, giving only eleven names. He gives the following in *Tuttle's Historical Papers*, p. 307:—

"Randolph vs. Mather. Dec<sup>d</sup> in Defam<sup>on</sup>. Dam. £500. Checkley & Master for Def<sup>t</sup>. plead not Guilty. Hayman for Plff opened y<sup>e</sup> Declar. Farewell pursued & read y<sup>e</sup> Letter. The Letter was wrott by y<sup>e</sup> Def<sup>t</sup> to y<sup>e</sup> Pres<sup>d</sup>t. but he says he never published y<sup>e</sup> Same to any.

"To prove y<sup>e</sup> public<sup>on</sup> of y<sup>e</sup> Letter M<sup>r</sup> Farewell produces

Ja<sup>s</sup> Hall of Beverley  
Gyles Master.

"Hall Objects ag<sup>t</sup> Swearing on y<sup>e</sup> bible & was Admitted to Sweare by holding up his hand.

"It was demanded of Hall if Ever he heard or Saw a Letter wrott by M<sup>r</sup> Mather to y<sup>e</sup> purports of that men<sup>on</sup>ed in y<sup>e</sup> dec<sup>d</sup>.

"Sayes that ab<sup>t</sup> 3 yeares agoe hearing of a Letter that was published in England in abuse of y<sup>e</sup> Def<sup>t</sup> & ab<sup>t</sup> which remarks was made by y<sup>e</sup> Obfervator he asked M<sup>r</sup> Mather ab<sup>t</sup> it, who told him it was a false thing putt on him, & showed him a paper where in he had

vindicated himselfe, w<sup>ch</sup> he delivered him to shew to others & satisfie them therein, & that he did both shew it & declare it to sevrall persons, & y<sup>e</sup> writing was Sometime out of his hands, but was after Returned to M<sup>r</sup> Mather againe. That y<sup>e</sup> writeing he received from M<sup>r</sup> Mather was a Letter directed to y<sup>e</sup> Pres<sup>d</sup>t that it was Something like what he heard now read, but cannot remember every Perticular: that y<sup>e</sup> Paper M<sup>r</sup> Mather gave him Seemed to be a copy of a Letter wrott to y<sup>e</sup> Pres<sup>d</sup>t, but whether it was a true Copy or not does not know, nor whether y<sup>e</sup> Letter in y<sup>e</sup> Dec<sup>d</sup> be diverse or y<sup>e</sup> Same.

"The Letter being read in part, Some he remembers & Some he does not. Says he Lent y<sup>e</sup> paper to Deacon Hill, & ab<sup>t</sup> 3 yeares since on M<sup>r</sup> Mather's desire, he Returned it to him againe; he after says he lett M<sup>r</sup> Higginson & M<sup>r</sup> Cobbitt have y<sup>e</sup> paper & to many others of meaner Rank.

"Mather ownes y<sup>e</sup> seeing y<sup>e</sup> Letter long before y<sup>e</sup> acc<sup>on</sup> Commences. Farewell Sworne. Sayes he Saw y<sup>e</sup> Letter ab<sup>t</sup> 9 months Since in Boston."

The question as to the authorship of the letter has been fully discussed, but no conclusion reached. While preparations for the trial were being made J. Atkins was released from imprisonment on 2 January, and S. Appleton petitioned on the 18th that he might be released. See *Massachusetts Archives*, Vol. CXXVIII. pp. 6, 24.

On Jan. 22d Lady Andros died, having been dangerously ill for a week. *Diary of Samuel Sewall*. "My Lady Andros was prayed for in Publick. About the begining of our afternoon Exercise, the Lady Andros expires." She was not buried until the 10th of February.

Boston on January 25th that the address of the New England Ministers had been published in the London Gazette, which caused much rejoicing, and encouraged the hope that the King's Declaration was not to be in vain.<sup>117</sup> James the Second had said to the Presbyterian clergymen of London, "I hope to live to see the day when you shall as well have a *Magna Charta* for the liberty of your conscience, as you have had for your properties."<sup>118</sup> However, on the 30th, the day before the trial, Mr. Bullivant gave orders that all the shops in Boston must be closed in order to commemorate the martyrdom of Charles the First.<sup>119</sup>

In a letter to Mr. Povey, dated 24 January, Randolph does not mention the trial, but speaks of the necessity of having some honest lawyers in the Province, and competent judges sent from England. He hopes that the royal Court is not so taken up with receiving addresses that his office of Secretary and Register will not be confirmed, "which I pray may be enlarged and extended to the limits of the present government. There is no reason why a good man should not come from England to take West's place who extorts what fees he pleases to the great oppression of the people.

Besides

<sup>117</sup> *Diary of Samuel Sewall*. "1687-8, Jan. 25. Harris arrives from London brings a Gazette to the 5th of December wherein is the Address of the N. E. Ministers. I hear the notable firing as I lay abed. Jan. 31. Mr. Randolph in his action against Mr. Increase Mather is cast. Col. Shrimpton lent Mr. Mather his coach to ride home. He abode there the time of the Trial, to be at hand, if need were."

Samuel Shrimpton, William Brown, Jr., Simon Linds, and Richard Smith

were, upon the recommendation of Sir Edmund, admitted to be members of the Council in New England by the Privy Council on 4 November, 1687. *Massachusetts Historical Society Collections, Fourth Series*, Vol. II. p. 298. Mr. Shrimpton took his seat 1 February. See *Diary of Samuel Sewall*.

<sup>118</sup> *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 670.

<sup>119</sup> *Diary of Samuel Sewall*, 30 Jan. 1687-8.

Besides the losse I dayly receive, Mr. West is cryed out upon by all. Severall vessells are gone from hence to Bermudas, but are designed for the wreck. No newes yet of Sir William Phips being there. Since the governor's arrivall New Plimouth Colony have great profitt whale killing; I believe they will have nigh 200 tons for to send to England, and will be one of our best returnes, now beaver and peltry fayles us. I have a desire to see England once more, but I know not when I can get an opportunity, or my business will allow of my absence, till I take leave of it, which I am not much disposed to think of till I hear all things are settled with you."<sup>120</sup> Although during the trial one of the witnesses was allowed to take his oath according to the custom of New England, the government was determined to suppress that custom. Accordingly, on the 8th of February three individuals were fined for refusing to take the oath according to the English manner, and were afterwards condemned to imprisonment for neglecting to pay the penalty. However, the fine was paid ultimately, and the imprisonment was of short duration.<sup>121</sup> This was a lesson not to be forgotten.

On

<sup>120</sup> *Massachusetts Archives*, Vol. CXXVIII. p. 29. Mr. Randolph to Mr. Povey, 24 Jan., 1687-8, *post*.

<sup>121</sup> *Diary of Samuel Sewall*. "Wednesday Feb. 8. Obad. Gill, Jn<sup>o</sup> Atwood, and Joe Davis are fined by Judge West [one] mark apiece for refusing to lay their hands on the Bible in Swearing. March 30. By a Writt from the Sheriff imprisoned because they paid not the 13<sup>s</sup> 4<sup>d</sup> which each was fined: Judgment run thus—refusing to take the Oath as by Law is required. They pay the Fine and charges and Ly not in prison

one night." [A silver mark was 13s. 4d., a gold mark 33s. 4d.] "This 4<sup>th</sup> May a Print comes out shewing the Lawfulness of Swearing according to the English mode, printed by Richard Pierce. May 10. Mr Dudley and his Son call here, speak to him about the mode of swearing, if no remedy might be had, of which had no encouragement, but said Lifting up the Hand was the handsomest way." On April 11 Mr. Watter and Elisha Odlin were fined for the same offence.

On the 11th news was received that Sir William Phips was at work upon the wreck searching for the hidden treasure,<sup>122</sup> and a few days later the report came that a vessel had arrived at Bristol "with Plate and other treasure." On the 18th, Randolph was ordered by Sir Edmund to proceed at once to that port and take possession of one half of the treasure, which belonged of right to the King, and bring it to Boston,<sup>123</sup> and the master of the vessel, wishing to have the property justly distributed, requested him to convey the whole amount.<sup>124</sup> The government being now apparently firmly established and no resistance to be apprehended, a warrant was issued to Mr. Farwell to appear on behalf of the King to claim, evidently for Mr. Mason, the lands he had formerly claimed in Ipswich and other towns in Essex County,<sup>125</sup> while Randolph's petition presented in October, and read in Council February the 3d, for a grant of five hundred acres of "undivided and unfenced" lands on Nahant Neck was pushed forward.<sup>126</sup> An order was issued that all claimants should appear before the Governor in Council on March the 7th, two days' notice being given to the inhabitants of Lynn, who had used the land in question for pasture during many years.<sup>127</sup> Upon receipt of the notice the inhabitants

<sup>122</sup> *Diary of Samuel Sewall*, "Saturday, Feb. 11."

<sup>123</sup> *Massachusetts Archives*, Vol. CXXVIII. p. 53. Sir Edmund Andros Kn<sup>t</sup> Capt. Generall Governor in Cheife & Vice Admirall of his Ma<sup>ties</sup> Territory & Dominion of New England to Edward Randolph, Esq<sup>r</sup>. *post*.

<sup>124</sup> *Ibid.*, p. 58, *post*.

<sup>125</sup> *Ibid.*, p. 75. 5 March, 1687-8. Warrant to Geo. Farwell.

<sup>126</sup> *Ibid.*, Vol. CXXVII. p. 172. Petition of Edward Randolph for Nahant Neck. 1 October, 1687, *post*.

<sup>127</sup> *Ibid.*, p. 173. Att a Councill held in Boston on fryday the third day of feb. 1687-8, *post*. Indorsed on the order is: "Received this order from the hands of Jeremiah Belcher the 2<sup>nd</sup> day of this instant March 1687 and attending thereunto have given publique notice of the matter ordered therein

habitants prepared a paper to be presented to Sir Edmund and the Council on the 7th, giving extracts from the town records, authenticated by the town clerk on the 6th, showing that as early as 1635 the town of Lynn had exercised jurisdiction over Nahant Neck, by granting lots to certain individuals, among others "Mr. Humphreys, who was a patentee and an assistant in the first Govern<sup>t</sup>," and afterwards in February, 1656-7, converting it into pasture land, and "the whole fenced as a common field." Besides "wee have honestly purchased the said tract of land with our money of y<sup>e</sup> originall proprietors of the soyle, and have possessed & improved it upwards of fifty yeares. Wee hope arguments of this nature will be swaying with soe rationall a Common Wealths man as M<sup>r</sup> Randolph who hath ever pretended great respect to his Maj<sup>ties</sup> subjects among us & an earnest care & designe to promote their welfare & prosperity. The premises considered wee believe a Gentleman under such circumstances will not bee injurious by seeking a particular benefit to impoverish & disadvantage soe many of his Maj<sup>ties</sup> good subjects by seeking the alienation of such a tract of land soe eminently usefull & needfull for those proprietors now in possession of it. God and nature hath fitted & accommodated it with herbage & it is likewise the only place about us for security for our creatures from the teeth of the ravening wolves. If the pasture be alienated from us our poore families will be very great sufferers, and wee will be incapable

therein this 5<sup>th</sup> day of March etc. by me John Edmonds, Constable in Lyn." *post*, an order was made in Council the 3d of November to give public notice of his petition for the land.

pable to Contribute dues and duties to his Maj<sup>ties</sup> Governmet sett over us."<sup>128</sup> To these objections Randolph answered that Lynn, not being an incorporated town, had no right to grant titles to land, and the freemen spoken of were simply freemen of the Colony who had a right to vote for magistrates. He therefore prayed the Governor to grant the land to him.<sup>129</sup> The colonists struggled hard to maintain their rights, being summoned several times before the Governor at considerable expense, and the matter was only settled by the overthrow

<sup>128</sup> *Massachusetts Archives*, Vol. CXXVII. pp. 174-177. Objections of Lynn to the Petition of Edward Randolph. "To his Excellency S<sup>r</sup> Edmund Andros, Kn<sup>t</sup> & o<sup>r</sup> Honor<sup>ble</sup> Govn<sup>r</sup> with his Honour<sup>ble</sup> Council to sit with him on Wednesday the seventh of this instant, March, 1687-8," *post*.

The extracts from the town records are as follows: "January this 11<sup>th</sup> 1635. It is alsoe voated by the freemen of the Towne these men underwritten shall have liberty to plant & build at Nahant & shall possesse each man land for the said purpose & proceeding in the trade of fishing. M<sup>r</sup> Humfreys, Daniell How, M<sup>r</sup> Bullard, Joseph Redknap, Timothy Tomlins, Richard Walker, Thomas Talmage, Henry ffeaks, Francis Dent. January the 18<sup>th</sup> 1635. It is ordered by the freemen of the Towne that all such persons as are assigned any lands at Nahant to further the trade of making fish: that if they do not proceed accordingly to forward the said Trade, but either doe grow remiss, or else give it quite over, that then all such lots shall be forfeited againe to the Towne to dispose as shall be thought fitt."

"At a towne meeting held 24<sup>th</sup> last month 1656 [Feb. 1656-7] It was voated that Nahant should be laid out into

planting Lotts & that every householder should have equall in the dividing of it noe man more than another & every person to clear his of wood in six years & hee or they that doe not clear their Lotts of the wood shall pay fifty shillings as a fine for the towne use: alsoe every house holder is to have his & their lotts for seaven years & it is to be laid downe for a pasture for the Towne & in the seaventh every one that hath improved his lott by planting shall then (that is in the seaventh yeare) sow their lott with English corne & in every acre of land as they improve they shall with their English corne sow one bushel of English hay seed & soe proportionable to all the land that is improved & bushel of hay seed to one acre of land & it is to be remembered that noe person is to raise any kind of building there at all. And for laying out of this land there is chosen Francis Ingols Henry Collins senior James Axce Adam Haukes Lieutenant Thomas Marshall John Hawthorne Andrew Mansfield. This above written is taken out of the Townes booke of Records p. me Oliver Purchis Cleri<sup>c</sup>. in Lyn. 1<sup>yn</sup> y<sup>e</sup> 6 of March 1687-8."

<sup>129</sup> *Massachusetts Archives*, Vol. CXXVII. p. 176. The humble representation of Edward Randolph, *post*.

overthrow of the Andros government.<sup>130</sup> An order was also issued on February 3d that the records of the late Government still in the hands of Mr. Rawson be delivered forthwith into the custody of Mr. Randolph, and that the committee appointed "doe take an account in writing of all the said Records and that they beginn the same on Tuesday next and continue day by day about the same till completed."<sup>131</sup> The task was accomplished in about a month, Mr. Rawson aiding the committee in sorting and filing the papers. For his services he was voted on March 6th, upon his petition, a compensation of five pounds, and he was ordered to deliver the key of the Record Office to Mr. Randolph forthwith. At the same meeting the Council ordered "Edward Randolph

<sup>130</sup> *Andros Tracts*, Vol. I. p. 95. The Revolution in New England justified. "The tract of land being petitioned for by *Edward Randolph* was threatened to be rent out of our hands. Sir *Edmund the Governour* did so far comply with his unreasonable motion, that we were put to great charges and expences for the Vindication of our honest rights thereto, and being often before the Governour Sir *Edmund* and his Council for relief, yet could find no favour of our innocent cause by Sir *Edmund*, notwithstanding our Pleas of Purchase, antient Possession, Improvement, Inclosure, Grant of the General Court, and our necessitous condition, yet he told us all These Pleas were insignificant, and we could have no true Title unless we could produce a Patent from the King, neither had any person a right to one foot of Land in *N. E.* by virtue of Purchase, Possession or Grant of Courts, but if we would have assurance of our Lands, we must go to the King for it, and get

Patents of it. Finding no relief (and the Governor having prohibited Town-Meetings) we earnestly desired Liberty for our Town to meet, to consult what to do in so difficult a case and exigency, but could not prevail. Sir *Edmund* angrily telling us that there was no such thing as a *Town* in the Country, neither should we have Liberty so to meet, neither were our Antient Town Records (as he said) which we produced for the vindication of our Titles to said Lands worth a Rush. Thus were we from time to time unreasonably treated, our Properties, and Civil Liberties and Privileges invaded, our misery and ruine threatned and hastned, till such time as our Country groaning under the unreasonable heavy yoke of Sir *Edmunds* Government was constrained forcibly to recover our Liberties and Privileges."

<sup>131</sup> *Massachusetts Archives*, Vol. CXXVIII. p. 36. Council meeting held 3 Feb. 1687-8, *post*.



dolph Esq<sup>r</sup> to be paid y<sup>e</sup> sume of £47. 10. 9 being for his trouble Charges & Expences in travelling from Boston to Bristoll & there receiving & securing y<sup>e</sup> halfe parte of y<sup>e</sup> silver & plate imported in y<sup>e</sup> Brigantine Supply W<sup>m</sup> Burroughs Mas<sup>r</sup> from y<sup>e</sup> Wrecke for his Ma<sup>ties</sup> use & bringing y<sup>e</sup> same by Land to Boston, and also y<sup>e</sup> sume of £15 be payd unto him, he having prayed for an allowance of £10 for y<sup>e</sup> value of his horse lost on a journey to Hartford in July 1686 & eight pounds more for his expences being for his Ma<sup>ties</sup> service." <sup>132</sup>

Not content with the prospect of obtaining possession of valuable lands at Nahant, Randolph petitioned on the 29th of February that there might be granted to him "a certain Tract of vacant and unappropriated land conteyning about seaven hundred acres lying between Spy Pond and Sanders Brook neere Watertown in the county of Middlesex," and public notice was accordingly ordered to be sent to all claimants living in Cambridge and Watertown to appear before the Governor to prove their claims on the same day that the claimants of the Lynn lands were to appear.<sup>133</sup> The notice was posted on the Meeting-house at Cambridge on Sunday, "which was an unusuall thing in y<sup>e</sup> place to see y<sup>e</sup> Sabath day so pophaned."<sup>134</sup> The objections made by the inhabitants

<sup>132</sup> *Massachusetts Archives*, Vol. CXXVIII. p. 81. Council meeting, 6 March, 1687-8, *post*. The details of the bill for taking charge of and conveying the treasure are given, *Ibid.*, p. 83. Later it was discovered that 2700 silver dollars and 78½ pounds of silver had been brought into Massachusetts by another vessel, and a suit was accordingly begun

by the Attorney General Graham to recover one half of it for the King. *Ibid.*, Vol. CXXIX. p. 227, 4 October, 1688. Graham was made Attorney General, 20 June, 1688. *Ibid.*, Vol. CXXVIII. p. 271.

<sup>133</sup> *Ibid.*, p. 68; also *Ibid.*, p. 56, *post*.

<sup>134</sup> *Ibid.* "March 4, 1687-8. Memd: this

inhabitants of Cambridge and Watertown to Randolph's petition were similar to those urged by the Lynn people. They produced proof that the lands coveted by Mr. Randolph were "neither vacant nor unappropriated," but had been occupied more than forty years, that they "had erected a stone wall at a great charge more than a mile in length with gates upon the high wayes as was needfull, that they are of great concernment to the Inhabitants of this Towne for their necessary Supplies of Timber fire wood and Pasture and that the deprivation of them would be the inevitable Ruine of more than Eighty Familyes, who have spent their Strength and Estates in confidence of their Indubitable right and peaceable injoyment thereof by virtue of his Ma<sup>ties</sup> Royall Charter." It was also stated that the taking away of those lands would be in violation of Charles II.'s declaration of 26 July, 1683, upon issuing the Quo Warranto, and contrary to James II.'s declaration "for liberty of Conscience and maintaining them in all their properties and possessions."<sup>135</sup> Randolph's answer was dated March 17th, challenging the inhabitants to show a royal grant and the

this warrant was sent up from Boston to Camb: on y<sup>e</sup> sabbath day morning by a boate, w<sup>ch</sup> was an unusuall thing in y<sup>e</sup> place to see y<sup>e</sup> sabbath day so pophaned, & a warrant posted up on y<sup>e</sup> meeting-house to give notice."

<sup>135</sup> *Massachusetts Archives*, Vol. CXXVIII. p. 85. Petition and Remonstrance of the inhabitants of Cambridge in regard to Edward Randolph's petition, 7 March, 1687-8, *post*; also *Ibid.*, p. 116. Reply of the Proprietors of lands between Sanders Brook and Spy Pond, *post*. These petitions

were presented a second time on 28 June, *Ibid.*, pp. 297, 298, the verbal changes being slight. A petition was also sent to the King. See *Ibid.*, p. 300. "To y<sup>e</sup> K<sup>ies</sup> most Excellent Ma<sup>ties</sup>. The Petition & address of John Gibson aged 87 & George Willis aged 86 as also on y<sup>e</sup> behalfe of their neighbours the inhabitants of Camb: in New England. Royall S<sup>r</sup> wee are a poore people & have no way to procure money to defend o<sup>r</sup> Cause in y<sup>e</sup> Law, nor know wee of any friends at Court."

the legal right of Cambridge to convey lands.<sup>136</sup> It was probably about this time that "Randolph petitioned for half an acre of land to be taken out of the Common in Boston for a house lot. The answer given to the petition does not appear."<sup>137</sup> At this time the first intimation was being conveyed across the Atlantic that the Dominion of New England was to be extended so as to include New York and the two Jerseys, which by its added strength "will be terrible to the French and make them proceed with more caution than they have lately done."<sup>138</sup> In the same letter Mr. Blathwayt speaks of a black fox sent as a present by Randolph to the King, "who taking not much notice of it, I keep for myself, unless you think otherwise to dispose of it. Care is already taken for the passing your patent for all New England, and if Mr. Sprague were not in the way, it might have been for the whole new dominion. You may do well to help Sir E. Andros to dispatch the first accompt since his arrivall by setting forth every particular."<sup>139</sup> This was followed

<sup>136</sup> *Massachusetts Archives*, Vol. CXXVIII. p. 111. Randolph's Answer to the Cambridge remonstrants, 17 March, 1688, *post*.

<sup>137</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 360. The records have not been found in the Archives. It is also probable that at this time Clark's Island was granted to Nathaniel Clark. *Ibid.* "One of the best islands in New England, in Plymouth harbour, called Clark's island, from the name of the person who first landed there, had been appropriated for the benefit of the poor of the town. This was granted to Nathaniel Clark, who had been Secretary of that Colony,

and was afterwards of Sir Edmond's Council, and one of his greatest tools."

<sup>138</sup> *Hutchinson's Collection of Papers*, Prince Society, Vol. II. p. 301. Mr. Blathwayt to Mr. Randolph, 10 March, 1687-8, *post*. On the 12th of March, Sewall says: "Mr. Mason discontinues his actions against Mr. Cook and me, saying That Mr. Masters being dead, the papers could not be come at. Mr. Giles Masters the King's attorney dies 29<sup>th</sup> Feb."

<sup>139</sup> In *Massachusetts Archives*, Vol. CXXVIII. p. 1, are found some memoranda for the Treasurer in Randolph's handwriting, not arranged methodically, from 1 July, 1687, to 5 June, 1688, *post*.  
The

lowed by a letter from Mr. Povey informing Mr. Randolph that he would undoubtedly receive his commission for the whole new Dominion, at the same time that Sir Edmund should receive his commission as Governor General, and adding, "We have no news, more than the enclosed proclamation for the recalling the King's subjects out of the States service; and three new regiments are raising here."<sup>140</sup>

An attempt was now made by Randolph and others to obtain land for a Church of England building, which was at first unsuccessful, no one being willing to sell land for that purpose. Sewall describes his interview with Randolph in regard to the matter,<sup>141</sup> and states that on April 6th "the exposition of the Church of England Catechise by the Bishop of Bath and Wells comes out printed by Richard Pierce with the 39 Articles."<sup>142</sup>

There

The accounts of Harvard College were examined by Sir Edmund. See Colonial Corporations, by A. McF. Davis, in *Publications of the Colonial Society of Massachusetts*, Vol. I. p. 206. "Thus far an Account was demanded by Sir Edmund Andros & delivered to him," under date of 1687.

<sup>140</sup> *Hutchinson's Collection of Papers*, Prince Society, Vol. II. p. 303. Mr. Povey to Mr. Randolph, 18 March, 1687-8, *post*.

At a meeting of the Privy Council at Whitehall the 23<sup>d</sup> March, 1687-8, "Present the King's most excellent Majesty. The draught of a Commission for Sir Edmund Andros, Knt. to be Governor of New England, New York and New Jerseys having been presented by the Rt Hon<sup>ble</sup> the Lords of the Committee for Trade and Plantations, the same was read and approved. His Majesty in Council is thereupon pleased to

order that the Rt Hon<sup>ble</sup> the Earl of Sunderland, principall Secretary of State do prepare a Warrant for his Majesties Royall Signature in order to the passing of the said Commission under the Great Seale."

<sup>141</sup> *Diary of Samuel Sewall*. "28 March 1688. Capt. Davis spake to me for Land to set a Church on. I told him could not, would not, put Mr. Cotton's Land to such an use, and besides, 'twas Entail'd. After, Mr. Randolph saw me, and had me to his House to see the Landscips of Oxford Colledges and Halls. Left me with Mr. Ratcliff, who spoke to me for Land at Cotton-Hill for a Church which were going to build: I told him I could not, first because I would not set up that which the People of N. E. came over to avoid: 2<sup>d</sup> the Land was Entail'd."

<sup>142</sup> *Ibid.*, Friday, April 6.

There being apparently no prospect of relief from the arbitrary measures of Governor Andros and the Council, Rev. Increase Mather decided to go to England, hoping that through the influence of the dissenting bodies, which were then being courted both by the King and his opponent, formerly his firm ally, the Church of England, something might be accomplished.<sup>143</sup> This step Randolph tried to prevent, but unsuccessfully. Mr. Mather avoided the service of a writ of arrest issued against him by Randolph, and, escaping on board a ship, sailed for England on April 7th, reaching Weymouth on May 8th, and London on the 25th.<sup>144</sup>

The

<sup>143</sup> *History of England*, by T. B. Macaulay, ed. 1861, Vol. II. p. 157. "Then followed an auction, the strangest that history has recorded. On one side the King, on the other the Church, began to bid eagerly against each other for the favour of those whom up to that time King and Church had combined to oppress. The Protestant Dissenters, who, a few months before, had been a despised and proscribed class, now held the balance of power."

Cotton Mather's *Parentator*, 1724, p. 107. "The Superior Gentlemen in the Oppressed Country, thought that a *Well-qualified Person*, going over with the *Addresses* of the churches to the King, might by the Help of such *Protestant Dissenters* as the King began upon *Political Views* to cast a fair Aspect upon, Obtain some Relief to the Growing Distresses of the Country; and Mr. Mather was the Person that was pitch'd upon."

<sup>144</sup> *Diary of Samuel Sewall*. "March 30, 1688. Mr. Larkin fought after Mr. Mather this week to Arrest him. Mr. Mather on Tuesday was taking Physick and so was free, and since hath purposely avoided him. I am told Mr. Mather

left his House and the Town and went to Capt. Phillips's at Charlestown, Sabbath Ap. 1. To Aaron Way's by Hogg-Island, Tuesday Ap. 3, at night from Aaron Way's to the Boat near Mr. Newgate's Landing-Place, so through Crooked-Lane and Pulling Point Got to Mr. Ruck's fishing-Catch, thence to the President, Capt. Arthur Taffar's Ship. Ap. 7<sup>th</sup> sails about 10 o'clock, a shallop follows quickly after, which, 'tis said to prevent Mr. Mather's getting on Board."

Cotton Mather says in his *Parentator*, 1724, p. 105: "Something must be done to stop the Intended Voyage. Randolph must be the Tool. Mr. Mather waited on Sir Edmond Andros, the Governor and Oppressor of *New England*; and acquainted him, That he designed a Voyage for London. He also gave the Country notice of his Voyage, in a Sermon at the Great Lecture. Hereupon Randolph again, assisted by one 'Pothecary Bullivant a memorable Justice (and something else!) Privately sent an officer to Arrest him once more (*such the Equity of those Times!*) upon the former *Action of Defamation*;

The expenses of the government being greater than the receipts, it became necessary to devise means to meet the deficiency; accordingly, being authorized by the King, an act was passed by the Council on February 15th "for additional Duties of Imposts and Excise, for the better collecting and securing his Majesty's Revenue."<sup>145</sup> The act for regulating the choice of selectmen and restraining town meetings, passed on March 17th,<sup>146</sup> was followed on the 24th by "an Act

*Defamation*; the Report flying like Lightning about the Solicitous Town, it soon reached Mr. Mather's Ears who then kept upon his Guard. Mr. Mather withdrew Privately from his House in a changed Habit unto the House of Colonel Philips in Charlestown: in which withdraw, it is remarkable that a Wicked Fellow, whose name was Thurston, and who was placed as under sheriff to Watch him and Seize him, if he stir'd abroad now saw him and knew him, and yet found himself struck with such an Enfeebling Terror, that he had no power to meddle with him. From thence he was by certain well-disposed young men of his Flock transported unto Minnesimmet; And from thence he went aboard a ketch," etc.

<sup>145</sup> *History of New England*, by J. G. Palfrey, ed. 1864, Vol. III. p. 549, note. "Andros sent home an estimate of the expenses of his government (£4520. 17.11) annually, leaving a deficit of seven hundred pounds. He was accordingly authorized in a letter from the King of November 11th, 1687, to impose such rates and taxes as he and his Council shall think proper and collect them from the several counties."

The Act is given in *Connecticut Colonial Records*, Vol. III. p. 433, No. 16, for every pipe of Fayal wines or wines

of the Western Islands an additional sum of twenty shillings; for every pipe of Madeira wines sixteen shillings and eight pence; for every pipe of Sherry, Sack, Malaga, Canary, Tent, and Alicante ten shillings; retailers to pay the excise of one shilling for every gallon instead of fifty shillings per pipe, an additional excise of four pence for every gallon of Brandy, Rum, or other distilled waters, and for every barrel of Beer, Ale, or Cider an additional excise of one shilling and three pence. Every one concealing liquors in his house and selling them to retailers was liable to confiscation of the goods and a fine of twenty pounds. The ports appointed for the delivery of goods were Boston, Salem, Portsmouth, Bristol, Newport, New London, Saybrook, New Haven, Milford, Fairfield, and Stamford.

<sup>146</sup> *Connecticut Colonial Records*, Vol. III. p. 427.

Samuel Sewall says in his *Diary*, under date of March 16: "The order is pass'd about Select-Men, to be of an even number, not exceed Eight any where; if any refuse, Justices to supply. To make Rates approv'd by Justices. To be chosen the 3<sup>d</sup> Monday in May, not to meet at any other time on any pretence whatsoever, i. e. the Town. Published March 19."

Act for settling the Militia," ordering, with certain exceptions, "all above sixteen years of age to be listed in foot or horse," and to be liable to duty under penalty, and in case the fines are not sufficient to pay the charges the towns are to pay the rest.<sup>147</sup> An act was also passed "concerning Pedlars," preventing them from passing from town to town under a heavy penalty.<sup>148</sup>

The church troubles were not yet ended. Sir Edmund having made up his mind to hold the services of the Church of England "first on Sabbath-days in our Meetinghouse,"<sup>149</sup> a protest was made against such action, and Sewall accompanied by Captain Frary went to Randolph's office to meet the Governor and expostulate with him. The interview was an exciting one. Finally the Governor promised that the

<sup>147</sup> *Connecticut Colonial Records*, Vol. III. An Act for settling the Militia, No. 15. 24 March, 1687-8. Captains to provide drums, trumpets, and colors; in case of poverty arms are to be furnished conditionally; troops to be exercised three times at least every year; rolls of companies to be given to the Governor as Captain General; among those exempted from service are councillors, ministers, President, Fellows, and students of Harvard College, schoolmasters, physicians, etc.; no master of a ship to fire a gun after eight o'clock in the night under penalty of forty shillings for every gun fired.

<sup>148</sup> *Ibid.* "Whereas many persons have lately taken upon them the practice of peddlers and petty chapmen, passing from town to town vending sundry wares, and that which is unserviceable at excessive rates to the great detriment of the settled trade of this country, for prevention whereof" the

pedler and his goods were to be seized and he transported from constable to constable until he is lodged in the jail of the county to which he belongs, and upon condition to pay a fine of ten pounds, one half to go to the government and the other half to the informer. In *Massachusetts Archives*, Vol. CXXVI. p. 191, is found a draft of "Fees in the Tryall of Small Causes and in infer Courts."

On 26 March Gov. Andros wrote to Mr. Allyn: "My owne indisposition, as well as late extreame losse [death of Lady Andros] have occasioned my not forwarding the settling the post, as I hope it may be, to be regular." *Connecticut Colonial Records*, Vol. III. p. 441.

<sup>149</sup> *Diary of Samuel Sewall*. "June 22. This day Mrs. Joyliff and Mrs. Grecian goe to his Excellency and expostulat with him about his Design."

the services should begin as early as eight o'clock in the morning, and "have done by nine."<sup>150</sup>

Although all opposition seemed to be quelled, there was still an undercurrent of hostility to the government, which showed itself occasionally on the surface. Some of the inhabitants of Springfield used language which was deemed treasonable, and orders were given at once to make inquiries as to its rebellious character.<sup>151</sup>

In

<sup>150</sup> *Diary of Samuel Sewall*. "Saturday, June 23. Capt. Frary and I goe to his Excellency at the Secretaries Office, and there desired that He would not alter his time of meeting, and that Mr. Willard consented to no such thing, neither did he count that 'twas in his power so to doe. Mr. West said he went not to ask Mr. Willard leave. His Excellency asked who the House belong'd to; we told Him the Title to the House was on Record. His Excellency turned to Mr. Graham and said, Mr. Attorney we will have that look'd into. Governor said if Mr Willard not the Parson, so great an Assembly must be considered. We said He was Master of the Assembly, but had no power to dispose of the House, neither had others, for the Deed expressed the Use 'twas to be put to. Governor complain'd of our long staying Sabbath-day seight; said 'twas the Lord's Supper, and [he] had promised to go to some other House on such dayes; Mr. Randolph said he knew of no such promise, and the Governor seemed angry, and said He would not so break his word for all the Massachusetts Colony, and therefore, to avoid mistakes, must give in writing what we had to say; we answered, Mr. Randolph brought not any writing to those he spake to. Governor said we rent off from the old Church against the Government, and

the Land the House stood on was bought clandestinely, and that one should say he would defend the work with his Company of Soldiers. Mentioned folks backwardness to give, and the unreasonableness; because if any stinking filthy thing were in the House we would give something to have it carried out, but would not give to build them an house: said came from England to avoid such and such things, therefore could not give to set them up here: and the Bishops would have thought strange to have been ask'd to contribute towards setting up the New-England Churches. Governour said God willing they would begin at Eight in the Morning, and have done by Nine: we said 'twould hardly be so in the winter. Mr. Graham said if they had their Service by Candle-Light what was that to any: And that the Service appointed by the Church for morning could not be held after noon."

"July 1. Governour takes his old time again after our coming out, and Sir William Phips's chaplain preaches."

<sup>151</sup> *Massachusetts Archives*, Vol. CXXVIII. p. 279. 22 June, 1688. "Several ryotous and outrageous acts have been lately done and committed, as also severall rude and abusive words and speeches spooken and uttered reflecting on his Majesty's authority and government." The accused were to be bound



In the mean time Rev. Increase Mather was exerting himself in England to induce James II. to correct the grievances under which Massachusetts was suffering. Although he had several interviews with the King, who appears to have received him graciously, and even promised that there should be a "Magna Charta for Liberty of Conscience," nothing was done, and no orders were given to Sir Edmund Andros, who still continued to carry out his policy unchecked.<sup>152</sup>

Writs of intrusion were brought against some of the principal persons in the Colony, who refused to petition for patents,<sup>153</sup> and even the position of Councillor was no protection.<sup>154</sup> On June 22d,<sup>155</sup> the remonstrants to Randolph's petition

bound over for the next meeting of the Superior Court.

<sup>152</sup> *Andros Traſts*, Vol. III. pp. 131-144. Account of the interviews of Mr. Mather with the King, taken from *Cotton Mather's Parentator*. The substance of the petitions presented is found in *Hutchinson's History of Massachusetts Bay*, Vol. I. p. 368, 2d ed. The colonists prayed to be quieted in their possessions; liberty of conscience allowed, and their meeting-houses to be left free to them; Harvard College to be left in the hands of a President and Fellows as formerly; all towns to manage their own affairs; no laws to be made or money raised without the consent of a general assembly. The clause concerning a general assembly having been struck out by Lord Sunderland, the agents, Mr. Mather, Samuel Nowell, and Elipha Hutchinson, begged that the Council should consist of landed proprie-

tors in the Colony, until an assembly should be granted. Mr. Mather wrote: "both my L<sup>d</sup> Culpepper & S<sup>r</sup> Richard White have told us this week that y<sup>e</sup> K. is resolved to grant us a General assembly."

In the Memorial of the Dissenters of New England presented to the King by Mr. Mather, 2 July, 1688, it was asserted that "the service of the Church of England had bin forced into their Meeting Houses, and that the lands of the Dissenters are given to such as are of the Church of England." See *Massachusetts Archives*, Vol. CCXLII. p. 348. *Ibid.*, p. 347, for the petition to James II. to grant a charter to Harvard College. *Ibid.*, Vol. CVI. p. 369, for statement of the privileges of New England.

<sup>153</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 369.

<sup>154</sup> *Andros Traſts*, Vol. I. p. 94. "Writs of Intrusion were issued out against

<sup>155</sup> *Massachusetts Archives*, Vol. CXXVIII. p. 281, *post*.

petition for land in Cambridge were summoned to appear on the 28th; at which date the Council ordered a survey to be made and a draft returned to the Secretary's office,<sup>156</sup> which was equivalent to a grant of the land in question to Randolph. While pressing his own demands, he did not hesitate to denounce the action of West and Palmer in deceiving the people of Maine, who were forced to pay to them considerable sums for the confirmation of their lands, which Sir Edmund pronounced to be illegal when he visited the Province. The consternation of the people can be imagined, when they found they must pay for a second confirmation. Randolph writes, after his return from Maine, where he had joined the Governor, "the poor have been very much oppressed. Capt. Palmer and Mr. West laid out for themselves such large lots, and Mr. Graham tho' not there had a child's portion; I think some have 8 or 10000 acres; I hear not of one penny rent coming in to the King from

against Coll. Shrimpton, Mr. Samuel Seawall, and we know not how many more besides under the pretence that their lands belonged to King James." The legal papers in the case of Shrimpton against the King are found in *Massachusetts Archives*, Vol. CXXIX. pp. 228-234.

On June 20th Mr. William Stoughton petitioned for confirmation of land at Dorchester. *Massachusetts Archives*, Vol. CXXVIII. p. 272. On June 23d a warrant for a grant of a farm of 180 acres at Sherburn, Middlesex Co., was given in favor of Col. Joseph Dudley, the quit rent of which was to be only one shilling. *Ibid.*, Vol. CXXIX. p. 12. On July 14th a writ of intrusion for Hog Island was served on Samuel Sewall. On the 24th he petitioned Sir Edmund

to grant him confirmation of the island, "to be holden of His Majesty, His Heirs and Successors, upon such moderate Quit Rent as your Excellency shall please to order." *Ibid.*, Vol. CXXIX. p. 110.

<sup>156</sup> *Massachusetts Archives*, Vol. CXXIX. p. 12. Council meeting, 28 June, 1688, *post*. Probably at this meeting was presented the Petition of Lynn, dated 2 April, signed by over seventy names, begging that the land at Nahant should be confirmed to the town upon payment of a moderate quit rent. *Ibid.*, Vol. CXXVII. p. 178, under date of 28 June. At the same meeting the Council ordered that the ship Johanna seized in New England should be restored to Philip Severett. *Ibid.*, Vol. CXXIX. p. 1.

from them who have their grantes confirmed at Yorke, and this 5.s. an hundred acres was only a sham upon the people. Mr. Graham and his family are settled in Boston, he is made attourney generall and now the Governor is safe in his New York confidents, all others being strangers to his councill. My cousin Mason can make no progres in his business, he has attempted to try his title at Piscataqua, but has been delayed by the judges, and the inhabitants are far more obstinate than formerly, Mr. West having told some of them that his title is little worth. All Mr. West aims at is to have the passing grantes for all Mr. Mason's lands, and neither he nor Graham will allow that he has power to make a grante to any tennant; They are for leiving him out of all. The newes of the dissenters being indulged and taken into favour at home encouraged this people, and the judges will not give a cause for the King. They now dispute his Excellency's grants and plead either possession or Indian purchase in barr of it. The addition of New Yorke to this government does very much inlarge our bounds and may be of greate service to the crowne, but they have been squeezed dry by Colonell Dongan and his agents West and Graham that there is little good to be done. 'Twas not well done of Palmer and West to tear all in pieces that was settled and granted at Pemmaquid by Sir Edmund, that was the sceene where they placed and displaced at pleasure, and were as arbitrary as the great Turke; some of the first settlers of that easterne country were denyed grants of their own lands."<sup>157</sup> In the same letter he describes the seizure  
by

<sup>157</sup> *Hutchinson's Collection of Papers*, Prince Society, Vol. II. p. 304. Randolph to Povey, 21 June, 1688, *post*.

by Sir Edmund of the house and furniture of a Frenchman by the name of Castine, or St. Castine as it is sometimes written, living on territory claimed to be English, which brought on a conflict with the Indians, with whom Castine was allied by marriage. The conflict was fatal to many of the English settlers, and was one of the causes of Sir Edmund's overthrow, by increasing his unpopularity.

The reports which had reached Boston that New York and the Jerseys were to be annexed to the Dominion of New England were confirmed by the arrival on July 5th of a commission to Mr. Randolph to be Secretary of the whole Territory.<sup>158</sup> Accompanying the commission was a letter from Mr. Povey saying I "do not understand your meaning ab' a patent for life not having heard of it before it being not granted now in any case."<sup>159</sup> The next day Sir William Phips, who had been in Boston since June 1st,<sup>160</sup> was sworn to the office of Provost Marshal General,<sup>161</sup> he having solicited and

<sup>158</sup> *Documents of Colonial History of New York*, Vol. III. p. 536. "The 7 April, 1688, a commission passed the Great Seale appointing S<sup>r</sup> Edmund Andros Capt Gen<sup>l</sup> and Governour in chief of the Massachusetts Bay, New Plymouth, New Hampshire, Main, the Narragansett Country, Road Island, Connecticut, New York, and East & West Jersey."

20th April, 1688. "Commission was granted to Capt. Francis Nicholson to be Lieutenant Governor of the said colony of New England."

*Diary of Samuel Sewall*. "Thorfday, July 5<sup>th</sup>. This day Foy arrives, brings a Commission for Capt. Nicholson to be Lieut. Governor; New York to be annexed to this Government. Mr. Ran-

dolph, a new Commission to be Secretary of the whole Dominion."

<sup>159</sup> *Massachusetts Archives*, Vol. CXXVIII. p. 167. Letter from J. Povey to Edward Randolph, 25 April, 1688, *post*.

<sup>160</sup> *Diary of Samuel Sewall*. "1 June, 1688. By that time we got home, we heard that Sir William came in his Pinace from Portsmouth this day. Many of the Town gone to Complement Him. Sabbath, June 3. Sir William not abroad in the forenoon, in the afternoon hears Mr. Mather; so the Whittuntiders [Church of England congregation] have not his company."

<sup>161</sup> *Massachusetts Archives*, Vol. CXXIX. p. 30. "The Oath was approved in Council y<sup>e</sup> 6<sup>th</sup> of July 1688 &

and obtained in England that position, at a considerable expense, in order to check the undue administration of justice, the juries being chosen of persons not properly qualified, by sheriffs who in turn owed their appointment to Sir Edmund.<sup>162</sup> Sir William had written on June 30th asking "that all sheriffs be dismissed and receive their deputations from the Provost Marshall,"<sup>163</sup> which if carried out would have acted as a check upon Sir Edmund's authority. This request was undoubtedly refused by the Council, for on July 7th Randolph testified to Governor Andros that "being in company with S<sup>r</sup> William Phips this day amongst other discourse hee sayd he heard twas Coll. Mason & myselve opposed the setting aside the sheriffs; that he would sett mee forth in my colors & was going home & would make it known."<sup>164</sup>

On

& administered to S<sup>r</sup> W<sup>m</sup> Phips Provost Marshall Generall of this Dominion appointed by his Ma<sup>ties</sup> Letters Patents."

<sup>162</sup> *Magnalia Christi Americana*, by Cotton Mather, ed. 1820, Vol. I. p. 160. Sir William Phips obtained "with expence of some hundreds of guineas a Patent which constituted him *high sheriff of that country* hoping by his deputies in that office to supply the Country still with conscientious juries, which was the only method that the *New Englanders* had left them to secure anything that was dear unto them."

In the "Revolution in New England justified," in *Andros Traits*, Vol. I. p. 74, Sherlock, the High Sheriff appointed by Sir Edmund Andros, is called "a stranger in the Country and had no Estate there, during his Shrievalty he impanelled Juries of strangers, who had no Freehold in that Country, and extorted unreasonable Fees."

<sup>163</sup> *Massachusetts Archives*, Vol. CXXIX. p. 14. Letter of Sir William Phips to Governor Andros concerning the office of Provost Marshall, 30 June, 1688.

<sup>164</sup> *Ibid.*, p. 29. Mr. Randolph's testimony as to words of Sir William Phips, 7 July, 1688, *post*.

If Cotton Mather is to be believed, there was a design to get rid of Sir William Phips by assassination. See his *Magnalia*, Vol. I. p. 160. "the infamous government then rampant there, found a way wholly to put by the execution of this *patent*, yea, he was like to have had his *person* assassinated in the face of the sun, before his own door, which with some further designe then in his mind caused him within a few weeks to take another voyage to *England*."

*Diary of Samuel Sewall*. "Monday July 16. Sir William's Frigot and the Swan set fail."

On the 19th, Sir Edmund's new commission "was published with great parade from the balcony of the town-house,"<sup>165</sup> and on the 30th he started,<sup>166</sup> accompanied by Randolph and others, to take formal possession of his enlarged territory. Before leaving Boston, Randolph, having made John West his deputy secretary for the new Dominion, who took his oath in Council on the 20th,<sup>167</sup> presented on the 26th a petition that Sir Edmund might grant him a tract of land containing two hundred and fifty acres at Newport, Rhode Island, and also one thousand acres in the same region

<sup>165</sup> Andros's instructions, 16 April, 1688, are found in *Rhode Island Colonial Records*, Vol. III. p. 248. The Council to consist of forty-two members; the new names were Anthony Brockhol [Brockholst], Frederick Philipse, James Baxter, Stephen Courtland, John Young, John Spragg, Nicholas Bayard, John Palmer, William Brown, Jr., Simon Linds. They are similar to his former instructions. The jurisdiction to extend from 40° north to St. Croix River eastward, and thence northward to the river of Canada, to be called "our territory and dominion of New England." See also *New York Colonial Documents*, Vol. III. p. 543; also *Hutchinson's Massachusetts Bay*, 2d ed., Vol. I. p. 371.

Sewall wrote to Mather on July 24: "There was a Gallery erected last Thursday at the east end of the Town-House from whence His Excellency's new commission was published." *Massachusetts Historical Society Collections*, Fourth Series, Vol. VIII. p. 517. He also notes in his *Diary*: "Thursday, July 19th. Eight Companies in Arms, and Sir Edmund's Commission is published, extending his authority from the

remotest eastern parts so as to take in East and West Jersey."

On the same day, the 19th, Governor Andros issued a "Proclamation for the Continuing of all officers in their respective places," throughout the entire new Dominion. See *Massachusetts Archives*, Vol. CXXIX. p. 72. For the oath taken by members of the Council on July 20th, see *Ibid.*, p. 91: "You shall in all things to be moved treated and debated in Council faithfully & truly declare your mind & opinion according to your heart & conscience," etc.

<sup>166</sup> *Diary of Samuel Sewall*. "Monday, July 30th, with many others I went to Dedham to accompany his Excellency in his way to New York and Jersey: who goes to take the Government of those places."

Capt. Nicholson, in a letter to be found in *New York Colonial Documents*, Vol. III. p. 550, dated at Boston, 31 August, speaks of Randolph as "waiting upon his Excellency, and I suppose will returne with him."

<sup>167</sup> *Massachusetts Archives*, Vol. CXXIX. p. 90. Oath of John West as Deputy Secretary, *post*.

region to the Earl of Clarendon.<sup>168</sup> On the 11th of August, Governor Andros and his party arrived at New York,<sup>169</sup> where they were met by a regiment of foot and a troop of horse. After the King's commission had been read publicly at the fort and at the City Hall, and the seal of the Province of New York defaced and broken in pieces in presence of the Council, a proclamation was issued retaining all officers, civil and military, in their respective positions. On the 15th, at Elizabethtown, Sir Edmund took formal possession of East New Jersey, and on the 18th, at Burlington, of West New Jersey.<sup>170</sup> "They all shewed their great satisfaction in being under His Ma<sup>ties</sup> immediate Gov<sup>t</sup>."<sup>171</sup>

From

<sup>168</sup> *Massachusetts Archives*, Vol. CXXIX. p. 106. Petition of Edward Randolph for land at Newport, Rhode Island, 26 July, 1688, *post. Ibid.*, p. 109. Petition of Edward Randolph in behalf of the Earl of Clarendon, 26 July, 1688, *post.*

<sup>169</sup> Letter of Andros to the Lords of Trade, dated New York, Oct. 4, 1688, in *Connecticut Colonial Records*, Vol. III. p. 447.

<sup>170</sup> *East Jersey under the Proprietors*, published by the New Jersey Historical Society, Vol. I. p. 113. Arrangements had been made with the King by the proprietors of both Jerseys, so that proceedings under the *Quo Warranto* were no longer needed to permit their union with New England.

*New Jersey Archives*, Vol. II. p. 26. Draft of surrender of government [said to have been accepted by King James]. Among the proprietors were the Earl of Perth, the Earl of Melfort, and William Penn.

<sup>171</sup> *New York Colonial Documents*, Vol. III. p. 567. Mr. Randolph to the

Lords of Trade, New York, October 8, 1688, *post.*

In Vol. CXXIX. of the *Massachusetts Archives*, there are several petitions to Gov. Andros from inhabitants of New Jersey and New York for grants of land and confirmation of their titles: p. 135 contains a petition of the inhabitants of Elizabethtown, N. J., that their privileges to land, etc. might be continued, dated 21 August, 1688; p. 160, petition of John Baker, of same place, dated 29 August; p. 171, petition of John Decker and others for land at Esopus, Ulster Co., N. Y.; p. 184, petition of John Kiffam for land at Hempstead, Long Island; p. 185, petition of J. Ward about land at Esopus, dated 13 September; p. 186, petition of Stephen Lee, of Westfield, 17 September; p. 192, petition of Gerritt Teunisse, 20 September; p. 193, petition of Francis Barber for land at Staten Island; p. 196, petition of Bleeker of Albany, 21 September; p. 197, petition of L. Coles and others of Schenectady, 21 September; p. 223, petition of John Elton for land in

From the Jerseys Randolph made a visit to Philadelphia, which, although only founded a few years before, was already showing signs of a rapidly growing prosperity. Upon returning to New York he found great rejoicing over the birth of the Prince of Wales, the news of which, having reached Boston on August the 16th,<sup>173</sup> was transmitted by express to Sir Edmund.<sup>173</sup>

Having settled the affairs of government in an apparently satisfactory manner, Randolph acting an important part, as is indicated by letters addressed to him,<sup>174</sup> Sir Edmund, accompanied by about fifty soldiers and several of the Council, left New York for Albany on the 30th of August, having held the day before a meeting of the Council for confirming the taxes levied by Governor Dongan, but not collected.<sup>175</sup>

The

in Ulster County; p. 225, petition of Nat. Pearfall of Hempstead, Long Island, 4 October. There are various other petitions in reference to land.

<sup>173</sup> *Diary of Samuel Sewall*. "Thursday Aug 16. About 9 in the night news comes from Salem by a vessel from Holland that the Queen was deliver'd of a Prince June 10<sup>th</sup>, so from 11 to 1 or 2 is Drumming, Bonfire, Huzzas, small and great Guns, Ringing of Bells."

<sup>174</sup> *New York Colonial Documents*, Vol. III. p. 554. Letter of Andros to the Lords of Trade, from New York, 4 October, 1688. "By express from Boston the three and twentyeth had the happy newes of the birth of the Prince of Wales: was solemnized with all the demonstrations of joy and gladness for soe greate a blessing." A general thanksgiving to be observed throughout the entire territory was ordered the next day, the 24th, to be kept in New York and vicinity on September 2d, and four-

teen days after in other parts of the Dominion. For the full proclamation, addressed to "Mr. Cotton Mather, minister in Boston," see *History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 372. On September 16, guns were fired during the day at Boston, and there was a bonfire at night. See *Diary of Samuel Sewall*.

<sup>175</sup> *Massachusetts Archives*, Vol. CXXIX. p. 169. Letter of Robert Livingston to Randolph, 1 Sept. 1688, *post*. Robert Livingston, son of a Scotch clergyman, an exile in Holland, settled in Albany in 1674, marrying the widow of Nicholas Van Kenselaer. Also *Ibid.*, p. 236. Letter of John Skeene to Randolph, from Burlington, 7 October, 1688, *post*. *Ibid.*, p. 259. Letter of same to same, 26 October, *post*. *Ibid.*, p. 248. Letter from Francis Nicholson to Randolph, New York, 24 October, *post*.

<sup>176</sup> *Ibid.*, p. 162. Meeting of Council in



The journey to Albany seemed necessary on account of the attitude of the chiefs of the Five Nations,<sup>176</sup> with whom Andros had been in friendly communication when Governor of New York. News had been received that some Indians, who were English subjects, had been killed in the Connecticut valley by Indians from Canada, instigated by the French, and five colonists massacred at Northfield,<sup>177</sup> while the Indians at the eastward seemed to be preparing for war. On the way up the Hudson River, Mr. Mason was taken ill and died. Mr. Randolph speaks in his letter of 12th September "of the death of my cousin Mason, who dyed the 6 instant, and was buried at Kingstone upon this river. He was much troubled at the Great delays in his business by his pretended friend Mr. Dudley. His Excellence is much concerned for his losse. We will do the best we can for his poor children."<sup>178</sup> Hardly had Andros quieted the chiefs and

in New York, 29 August, 1688, *post*, printed in *Connecticut Colonial Records*, Vol. III. p. 447. There was trouble between Sir Edmund and Colonel Dongan over financial matters, Andros refusing to audit the accounts of the late Governor.

<sup>176</sup> *Massachusetts Archives*, Vol. CXXIX. p. 181. Letter of Randolph from Fort Albany, 12 Sept. 1688, *post*. "The french Governor of Canada continues by force or faire meanes to draw to himselfe all the five nations & to that end has now sent them all presents. 'Twill be difficult for Sir Edmund Andros to reduce them to their former obedience."

<sup>177</sup> *Diary of Samuel Sewall*. "Thorfday Aug. 9. It seems the Monday the Governor went hence towards New York, Five Indians were killed at Spec-

tacle Pond not far from Springfield, four taken Captive, two escaped. They that did the murder are some of our late Enemies who have since lived under the protection of the French. Capt. Nicholson, Lieut. Governor, returns to Town from New London, as is said upon this report of the Indians slain; where intended to have gone to New York and resided there. Augt. 19. Town is full of the news of 5 English persons killed at Northfield." Randolph in his letter of 8 October says, "Six Christians were murdered at Northfield."

<sup>178</sup> Before his death, Mr. Mason had obtained from Dudley, the Chief Justice, a writ of *certiorari* directed to the late judges of New Hampshire, by which his causes were to be removed to the Supreme Court of the whole territory, then held

and warriors of the Five Nations assembled at Albany<sup>179</sup> when he received from the members of the Council at Boston the news of the troubles at the eastward, which induced him to hasten his return.<sup>180</sup> Upon reaching New York,<sup>181</sup> he heard that, without authority from him, troops had been sent from Boston in anticipation of hostilities to Maine, which he had left in the spring in an apparently peaceful state. Randolph wrote from New York on the 8th of October: "That morning his Excellence arrived at New York from Albany, he had advice that men were raised at Boston without his order, and sent to Casco Bay to assist the Christians against the Indians who had committed some disorders there aboutes; all which and the uncertainty of reports from the Eastward, engages His Excellence to go from N. Yorke overland to Boston (intending to visite Northfield Springfield and other townes alarum'd by these mischiefes) to prevent

held at Boston. See *Capt. John Mafson*, Prince Society, p. 123.

In the *Massachusetts Archives*, Vol. CXXIX. p. 193, is found the warrant of John Joyliffe, Treasurer, to collect taxes in Boston for paying county charges "for the killinge of woolves, reparation of the prison & bridges and other charges belonging to the 1<sup>st</sup> countie," dated 20 September. Edward Randolph, Esq., was assessed 2<sup>s</sup>. 6<sup>d</sup>. On the 21<sup>st</sup> Sept. Judge Palmer arrived from England, "about 8 weeks from the Downs." See *Diary of Samuel Sewall*.

<sup>179</sup> For the account of the interview of Andros with the Indians see *New York Colonial Documents*, Vol. III. p. 557.

<sup>180</sup> *Massachusetts Archives*, Vol. CXXIX. p. 178. Letter to Andros from Joseph Dudley, John Usher, Sam-

uel Shrimpton, and Thomas Treffry, dated 11 Sept.: "Wee pray for your Excelcys Health, Dispatch and happy returne," addressed to Albany. *Ibid.*, p. 185. Letter from Edward Tyng at Falmouth, now Portland, Maine, dated 13 Sept., speaking of the probability of war. *Ibid.*, p. 194. Letter of Andros from Albany, 20 Sept., saying he would hasten to New York and thence to Boston by way of Hartford.

<sup>181</sup> Andros reached New York on or before Oct. 1, as the *New York Colonial Documents*, Vol. III. p. 566, contain a letter from him to M. Denonville, dated the 1<sup>st</sup>, asking that the murderers should be secured and the captives set free, so that the good correspondency between the Crowns of England and France should continue, as had been commanded.

vent a second Indian warr."<sup>182</sup> The efforts made to avoid hostilities were unsuccessful, as Sir Edmund found upon his arrival in Boston.<sup>183</sup> Upon the day of his return, October 17th, a large part of the Episcopal Church, a wooden structure, was raised, the stone foundation having been already laid.<sup>184</sup>

A rumor having reached Boston that Mr. Mather had been successful in his application to the King,<sup>185</sup> Randolph wrote

<sup>182</sup> *New York Colonial Documents*, Vol. III. p. 567. Mr. Randolph to the Lords of Trade, 8 Oct. 1688, *post*.

*Diary of Samuel Sewall*. "Tuesday Sept. 11<sup>th</sup>. Two and thirty men are press'd in Boston, and 6 from Charlestown and sent away to the Eastward, and a Post dispatcht to acquaint the Governour at Albany. Sept. 18. Several persons are Lifted of the Governor's Life-Guard. Sept. 25. A Press in Boston of 16 men to send Eastward; several being kill'd by the Indians, which news was at Newbury on Monday morn."

<sup>183</sup> Dudley wrote, 9 October, 1688, to Andros on his homeward journey he was sorry that what had been done at the eastward had not met with the approval of the Governor, but warlike measures seemed necessary. *Massachusetts Archives*, Vol. CXXIX. p. 239.

*Diary of Samuel Sewall*. "Oct. 13. When I come home here the sad news of a family of 8 persons cut off by the Indians."

<sup>184</sup> Sewall wrote to Mather, 24 July: "Tis finally said that the chh. shall be set between the School-House & Capt. Townsend's corner many of the Council urging it, that so it might not stand just full up with Mr. Moodey's gate, where it would have wholly cut off the way between my fence & Jno Coffey's, and have flood upon the cart way that now is, into the ground." See *Massachusetts Historical Society Collections, Fourth Series*,

Vol. VIII. p. 517. *Diary of Samuel Sewall*. "Tuesday Oct. 16. This day the Ground-Sills of the Church are laid; the stone foundation being finished. Oct. 17. In time of the first Prayer [in the ordination of Mr. Nehemiah Walter at Roxbury] the Governour came by from his Progress. This day a great part of the Church is raised." This church was the predecessor of King's Chapel, and smaller than the present building. It was placed on land taken from the burying ground. "To this course no effective objection could be raised, and Andros by appropriating public land when individuals like Sewall refused to sell private estates, certainly did not abuse his authority." See note in *Diary of Samuel Sewall*, under date of 16 October. The building cost £284. 16s. of which £256. 9s. was contributed by ninety-six persons, Randolph giving £5; Andros upon his departure gave £30, and Nicholson £35. *Annals of King's Chapel*, by Henry W. Foote, Vol. I. p. 81. It is probable that the Boston ministers were present at the raising of the church from the negative testimony offered by Sewall, who says that Cotton Mather was not present, being with a brother at Salem, who was ill.

<sup>185</sup> *Diary of Samuel Sewall*. "Sept. 19. Eldridge comes in, who says the Amsterdam Gazett reported that Mr. Mather's Petition is granted."

wrote on the 19th<sup>186</sup> to England in order to undermine his efforts, by showing that Mather had always been opposed to royalty,

<sup>186</sup> *State Papers, Colonial, Bundle 55 (377)*. Randolph to John Povey, Boston, Oct. 19, 1688, *post*.

On the 18th, Richard Wharton wrote to Wait Winthrop from London: "S<sup>r</sup> — By way of Dartm<sup>e</sup> I wrote you a few lines, & acq<sup>ted</sup> you what endeavors have been used for reliefe of New England. The expectation of invasion, the demands of the Pr. of Orange, advice of the bishops, and discontents of the people, have quite broken y<sup>e</sup> old measures and p<sup>re</sup>cured restoration of the charter of London, now actually under adm<sup>a</sup> as formerly, and all y<sup>e</sup> other cities, corporations, and boroughs in Eng<sup>d</sup>; and great resolutions seem to be hasting on, out of w<sup>ch</sup> New England may, I hope, find deliverance. God hath taken away Mr. Nowell by death. M<sup>r</sup> Madden [Mather] Capt Hutchinson, and myselfe with M<sup>r</sup> Stephen Mason, have sundry times been this weeke to wayte on the King, who hath often assured us o<sup>r</sup> propertyes shall be continued and confirmed. The Colledge and revenue remaine in the hands of a Presd<sup>t</sup> & Fellows, and liberty enjoyed in matters of religion, and in order thereto the Attourney Gene<sup>l</sup> is ordered to examine the Governors Comission & instructions (of which we hope now to get a copy) o<sup>r</sup> comp<sup>ts</sup> & his proceedings, and to report the same with his opinion. It is surprising to many that w<sup>th</sup> well to New Eng<sup>d</sup> to heare that men of estates, who hold them from the late Govern<sup>t</sup> and by charter, should sue for patents, for it is not doubted but as soone as matters come to any] such settle<sup>mt</sup> heer as either the court can be at leifure or Parliament called, but that all extrajudiciall and arbitrary proceedings and exactions, in the plantations as well as

heer, will be examined. M<sup>r</sup> M., C. H. & myselfe, if we can but be supplied with money, are willing to stay and use utmost indeavours & intrest till some effectuall order can be obtained for reliefe of New England, w<sup>ch</sup> wee cannot see how it can be accomplished with less charge than £2000." *Massachusetts Historical Society Collections, Sixth Series*, Vol. V. p. 17.

For details of the interesting events taking place in England, see *Diary of John Evelyn*, 1688. "May 18. The bishops petition the King that he would not impose the reading of the Declaration for giving liberty of conscience, as it appeared to them illegal. The King was so far incensed at this addresse that he with threatening expressions commanded them to obey him in reading it at their perils and so dismissed them. 8 June. They were sent from the Privy Council prisoners to the Tower, infinite crowds on their knees begging their blessing as they pass'd out of the barge along the Tower-wharfe. 29 June. The trial lasted from 9 in the morning to past 6 in the evening. They were acquitted; there was a lane of people from the King's Bench to the waterside to beg their blessing. Bonfires were made that night, and bells rung, which was taken very ill at Court. July 12. Col. Titus, Sir Hen. Vane (son of him who was executed for his treason) and some other of the Presbyterians and Independent party were tworne of y<sup>e</sup> Privy Council, from hopes of thereby diverting the party from going over to y<sup>e</sup> Bishops and Church of England. 18 Sept. I went to London, where I found the Court in the utmost Consternation on report of the Prince of Orange's landing, w<sup>ch</sup> put White-hall into so panic a feare that I could

royalty, an upholder of the Charter, and was undoubtedly the author of what was called the forged letter; "the party now Crye out oppreffion: whenas by all their lawes & practices there have not yet been heard of a people more tyrannicall & arbitrary." In the fame letter he fpeaks of Mr. Wharton as having been formerly fo loyal that he left the Bofton town meeting "in great heat" when Mather compared the furrender of the charter to Ahab's requiring Naboth's vineyard. To ftrengthen the oppofition againft Mather, he wrote on November 9th to William Penn, who was on friendly terms with James II., and had then much influence with him, faying, "I hear M<sup>r</sup> Mather and fuch like men of Antimonarchical principles at home are complaining againft mee. I confefs, if being the occafion of fubverting their old Arbitrary governm<sup>t</sup> (& thereby putting a ftop to the perfecuting fpirit raging every where in this countrey) bee a crime, I muft fubmitt." And, knowing that Penn was not only oppofed to religious perfecution, but alfo friendly to the Indians, he mentions: "This Barbarous people were never civilly treated by the late Government, who made it their Bufinefs to encroach upon their Lands, and by Degrees to drive them out of all. That was the ground & the Beginning of the laft War. His Excell. has all along taken other meafures with them. I hope the proclamation,

could hardly believe it poffible to find fuch a change. 7 Oct. Hourly expectation of the Prince of Orange's invafion heighten'd to that degree that his Majefty thought fit to abrogate the Commiffion for the difpenfing power, and reftore the ejected Fellows of Magdalen College, Oxford. 28 Oct. A tumult in

London on the rabble demolifhing a Popifh Chapel that had ben fet up in the Citty. 5 Nov. I went to London; heard the news of the Prince having landed at Torbay coming with a fleete of neere 700 faile. This put the King and Court into greate confternation."

proclamation, & the Indians confidence in the Govern<sup>r</sup> favour to such as shall submit, may put a stop to their present Rage."<sup>187</sup> The proclamation alluded to was issued on October 20th, commanding the Eastern Indians to set at liberty the captives taken by them, and the murderers to surrender themselves by the 11th of November, otherwise they would be proceeded against with the utmost severity. "The Indians treated the proclamation with contempt," while the colonists, being discountenanced by the Governor in fortifying their homes, "were more unsafe than if war had been publicly declared."<sup>188</sup> So convinced was Sir Edmund that peace

<sup>187</sup> *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 531. Extract from a Letter of Randolph to William Penn, 9 Nov. 1688, *post*. Also *History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 364. Cotton Mather in his *Paren-tator*, 1724, p. 114, says: "Mr [Increase] Mather made as many Friends as he could; And it was Remarkable to him, That not only the Lord-Proprietor of *Pennsylvania* (Then a Great Man at Court) treated him with much civility, but even the *Goggle-Ey'd Monster* [Jeffreys] too." *Ibid.*, p. 226: "Dr Burnet, Bishop of Salisbury said to him, That he would on the first Opportunity declare Openly in the House of Lords, That there was greater Sacredness in the Charter of New England than in those of the Corporations in England, Because those were only Acts of Grace, whereas the Charter of New England was a compact between the King and the first Patentees. They promised to enlarge his dominions on their own Charges, Provided that they and their Posterity might enjoy such and such Privileges: They had performed their part, now for

the King to deprive their Posterity of the Privileges therein Granted unto them, would carry a Face of Injustice in it."

Randolph sent also to England a copy of Mr. Rofs's letter to him, dated 6 June, 1684, in regard to the forged letter, and a copy of Mather's letter to Mr. English at Amsterdam, which was received 3 December, 1688, *post*.

<sup>188</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 365. *Andros Tracts*, Vol. I. p. 111, The Revolution in New England justified: "That Sir Edmund Androsse discountenanced making defence against the Indians, is complained of by five Gentlemen who were of his Council, and much concerned at his strange actings in that matter. It is also confirmed by the affidavits of two honest men. Henry Kerley and Thomas How of Marlborough testify that when in the Fall of 1688 Sir Edmund Androsse came from New York to Boston, he asked by what Order we did Fortify and Garrison our Houses, I answered it was by order of Captain Nicholson, and we were to secure suspicious persons. What

peace could still be preserved that he liberated some of the Indian prisoners at Boston, which, instead of having the anticipated effect of pacifying, only emboldened the Indians.<sup>189</sup> Finding hostilities inevitable, additional troops and supplies were sent from Boston on October 25th,<sup>190</sup> and on the 27th, General Winthrop and others having declined the proffered command, disapproving probably of the plan of the winter campaign, Sir Edmund himself set sail, taking with him Mr. Ratcliffe.<sup>191</sup> While Sir Edmund was heading the military expedition in Maine during the autumn and winter, without gaining any definite results, the Indians remaining in their hiding places, Randolph was busy in Boston with the duties of his office there and at New York, receiving letters, among others, from Matthew Plowman, the collector of customs at New York, from Lieut. Governor Nicholson, and Mr. Van Cortlandt,

What if you should Kill them said Sir Edmund. Answer was made by the Deponent, that if we should kill them, we [the people] were in our way, then Mr. Randolph being there in the company said, you are in the way to be hanged. Sir E. A. said further, that those Persons that had left their Houses, to dwell in Garrisons, if they would not return, others should be put in that would live there."

<sup>189</sup> Hutchinson says, in his *History of Massachusetts Bay*, 2d ed., Vol. I. p. 365: "The Indians returned several English captives in exchange." But Stoughton, Hinckley, Winthrop, Gedney, and Shrimpton, members of the Council, declare that Sir Edmund set at liberty "undry Indians that were in hold, some of them known Enemies to the English, and particularly objected against by several of the Council, and that without any exchange of our Eng-

lish Captives then in the Enemies hands." *Andros Tracts*, Vol. I. p. 47. For the examination of Dr. Henry Smith, who had escaped to Boston from the Indians, before Randolph on 31 October, see *Massachusetts Archives*, Vol. CXXIX. p. 267.

<sup>190</sup> *Diary of Samuel Sewall*. "Oct. 25. Presented my final account to his Excellency respecting the French Contribution [for redeeming captives] as he landed at Mrs. Gillam's stairs, from seeing the Sloops set sail with Souldiers and provisions for the Eastward."

<sup>191</sup> *Ibid.* "Satterday Oct. 27. The Rose-Frigot comes up, and his Excellency goes off to Charlestown and so to Dunstable. Oct. 28. It seems the Governor took Mr. Ratcliff with him, so met not at all distinct in our House this day. Several of them [of the Church of England] with us in the afternoon." The Rev. Mr. Lawton went as Chaplain.

Cortlandt, one of the members of the Council from New York, and making a journey to Maine.<sup>192</sup> Captain Nicholson in his letter expresses regret that "you have taken away all the old acts, bookes of Council and bookes of Pattents, foe people coming to have Coppies from those bookes, they not being here you loose by it. I send you the survey of this place and Albany. If the trouble continue, I have writt to his Ex<sup>ty</sup> that I may leave to come to your parts; but you need take noe notice of it."<sup>193</sup> Nicholson did not, however, join the expedition, which consisted of several hundred men, the campaign ending in placing garrisons in eleven scattered forts.<sup>194</sup> While engaged in building and manning the fortified

<sup>192</sup> *Massachusetts Archives*, Vol. CXXIX. p. 293. Letter from Matthew Plowman to Edward Randolph, New York, 14 9<sup>bre</sup> '88, *post. Ibid.*, Vol. CI. pp. 1 to 16. From the treasurer's account from 1 July, 1688, to 17 April, 1689, it appears that the Council met at Pemaquid at the expense of £33.07, and for Mr. Randolph was spent £4 for a bullock used at Pemaquid.

<sup>193</sup> *Ibid.*, Vol. CXXIX. p. 294. Letter from Francis Nicholson to Edward Randolph, New York, November ye 15<sup>th</sup>, 1688, *post. Ibid.*, p. 296. Letter of S. Van Cortlandt to Randolph, 17 November, *post. Ibid.*, p. 303. Letter of Nicholson to Randolph from Fort James at New York, 3 December, 1688, *post. Ibid.*, p. 304. Letter of S. Van Cortlandt to Randolph, New York, 4 December, *post. Ibid.*, p. 304, same to same, 22 December, *post.*

For an example of the printed clearances used by Randolph as Collector see the one given *post.*, dated 18 December, 1688.

Jacob Leisler wrote from New York

to the government in Boston, in 1689: "Sir Edmund Andros & his wicked crew have carried all the Records out of this country to Boston." See *New York Documentary History*, Vol. II. p. 4.

<sup>194</sup> *History of New England*, by J. G. Palfrey, ed. 1864, Vol. III. p. 568.

Although the granting of patents of land (see Sewall's letter to Mather, 8 Oct.) was temporarily suspended by Andros's absence, first in New York and then in Maine, Sewall made up his mind to go to England in order to help Mather and the other agents to represent the condition of Massachusetts and ask for relief. He also had private matters to attend to. Before his departure he met Mr. Ratcliffe, who "pray'd God Almighty to blefs me and said must wait upon me." *Diary*, 24 Oct. On Nov. 3 he was impressed to go to the eastward, but hired a substitute. He sailed 22 Nov. On 30 Dec. spoke a ship, which reported that James II. was dead and the Prince of Orange had taken possession of England. The report about the King was not correct,



fied posts, Sir Edmund received news of the threatened invasion of England by the Prince of Orange. He therefore issued on the 10th of January, 1688-9, at Pemaquid, a proclamation calling upon all officers, civil and military, to "hinder any Landing or Invasion that may be intended to be made within His Majesties Territory and Dominion of New England."<sup>195</sup> This was followed by an order that no passenger should be taken on board any vessel and carried outside of the Dominion of New England without a ticket of leave obtained at Randolph's office.<sup>196</sup> West was sent back

rest, but that about the Prince of Orange was confirmed by other vessels. "Jany 13, 88-9, landed at Dover. Feb. 12, saw the Princess [Queen Mary] pass up the River Thames, at London, going from Holland to Whitehall. April 23 with Mather to call on Lord Wharton. April 24 to Whitehall to attend the Earl of Shrewsbury about New England. May 9 went to Hampton Court to wait on the King [William] and Council. Mr. Mather not there: said he was feverish yet I perceive was at Change. Sir Rob Sawyer spake of the Quo Waranto in Charles the First's time, and supposed we had no Charter: asked if any had seen it. I said I had seen a Duplicate. Dr. Cox craved Day; so we are to appear agen next Thursday, and just as we were going out, by Sawyer's means were called back, and then he spake of the Quo Warranto for misdemeanours, and we are ordered to attend the Attorney General with our Charter. May 11, Declaration of War against France comes out. May 14, Mr Richard Wharton dies. On Monday the 6<sup>th</sup> at Westminster pleading against Mr. Blathwayt, in behalf of N. E. May 18, went to Hampton Court with Mather and others. Mr

Ward and Hook our Council, were dismissed *sine die*. Entertain Mr. Humphrys too."

<sup>195</sup> See *Andros Tracts*, Vol. I. p. 75, for the full text of the Proclamation. Andros mentioned that a royal letter had been received dated 16 October, 1688, with the "Advice that a great and sudden Invasion from *Holland* will speedily be made, abetted by some of His Majesty's *Subjects*, being persons of wicked and restless spirits, implacable malice, and desperate Designs. His Majesty hath alwaies declined any Foreign succor, relying on the ancient Courage, Faith and Allegiance of His own People. This he makes known to his loving subjects within His Territory and Dominion of *New England*, etc. Given at *Fort Charles* at *Pemaquid* the Tenth Day of *January* 1688. E. Andros. By his *Excellency's* command. John West, Dr. Secr. *God save the King*."

<sup>196</sup> *Massachusetts Archives*, Vol. CXXIX. p. 323, under date of Feb. 1688-9. Vessels bonded not to carry any one from Boston without ticket from the Secretary's office. "The condition of this obligation is such that if the above bounden . . . shall not take on board his said Vessell any passengers, servants

back to Boston, carrying with him a letter from Sir Edmund to Randolph mentioning the arrival of Major Brockholst, "hoping the officers wilbe carefull and all do well westward," and saying, "I shall nott delay returning, as soon as the state of these parts will admitt itt."<sup>197</sup> Sir Edmund did not, however, return to Boston until the latter part of March, leaving Anthony Brockholst in command, passing through Salem, where he had an interview with the Rev. John Higginson and Stephen Sewall in regard to the land patents, he insisting that, as the Charters had been annulled and surrendered, all the lands in New England had become the King's, they contending that their Charter gave them a government only, and not the land, which the colonists had purchased and occupied. "At last Sir E. A. said with indignation,

servants or slaves and carry them out of this His Majesties Territory and Dominion of New England without a tickett from the Secretaries office of the said Dominion then this obligation to be void, or else to stand and remaine in full force and virtue." The bond was for "one thousand pounds current money of this Dominion to be paid to our said Lord, the King his heirs, successors or assigns."

The Act against Emigration was passed in New York according to *Andros Tracts*, Vol. I. p. 80. "This Law could not pass at Boston, because many of Sir Edmund's Council there opposed it; but then a Junctio of them meeting at New York passed it." Also *Andros Tracts*, Vol. III. p. 92, for text of the Act against Emigration.

According to the letter of Rev. Joshua Moody to Rev. Increase Mather, 8 Feb. 1688-9, "a law was published that men must needs set up theyr names so many

Dales ere they goe off." *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 369.

<sup>197</sup> *Massachusetts Archives*, Vol. CXXIX. p. 316. Letter from Sir Edmund Andros to Edward Randolph. Pemaquid, 26 January, 1688-9, *post*.

Wait Winthrop wrote Fitz-John Winthrop, 28 Jan. Heard "that Mr. Graham had order to print a proclamation from the Gov<sup>r</sup> to lay an imbargo on all vessells bound for England, which I understand the meaneing of no more then many other things. He has communicated nothing which came by the last ships to any of the Councill here that I know of." *Massachusetts Historical Society Collections, Fifth Series*, Vol. VIII. p. 490.

Sir Edmund left Maine on March 16th. See *New York Colonial Documents*, Vol. III. p. 578, Mr. Randolph to the Lords of Trade, 29 May, 1689, *post*.

dignation, either you are Subjects or You are Rebels, intimating that if we would not yield all the Lands in *N. E.* to be the Kings, so as to take Patents for Lands, and to pay Rent for the same, then we should not be accounted Subjects but Rebels, and treated accordingly.”<sup>198</sup>

Amidst the anxieties of Sir Edmund and the governing faction of the Council, as the turn of events in England was uncertain, Randolph was pleased to receive from the Collector of Customs at Charleston, South Carolina, personally unknown to him, a very friendly letter, praising him for his loyal services: “Haveing heard of yo<sup>r</sup> zeale towards his Maties service I must needs say I have a respect to you, my inclination from the very cradle [having] been bent to loyalty.”<sup>199</sup> Also letters from Robert Livingston written in a very grateful spirit for the favors and advice he had received from Randolph.<sup>200</sup> On the 27th of March there was

<sup>198</sup> *Andros Tracts*, Vol. I. p. 90, The Revolution in New England justified. “Sir Edmund Andross, then Governour, being accompanied with the Attorney General *Graham*, Secretary *West*, Judge *Palmer*, the room being also full of other people, most of them his Attendants, he was pleased to tell me, he would have my judgment about this question; *whether all the Lands in New England were not the Kings?*” Affidavit of Rev. John Higginson. It had been asserted that the grants made by the Colonists, not being under seal, were defective. In answer to this Bradstreet wrote that the Charter did not require them to use a seal; that a seal is not necessary in many cases in England; that William the Conqueror did not use a seal in granting lands to his followers. Besides “would it not

seem a strange thing, that a piece of ground in the wilderness, not worth five shillings, but by buildings etc. worth five hundred pounds, become the King’s, I know not how.”

<sup>199</sup> *Massachusetts Archives*, Vol. CXXIX. p. 335. Letter of G. Munchamp to Edward Randolph, 18 Feb. 1688–9, *post*. Also *Political Annals*, by George Chalmers, p. 564.

<sup>200</sup> *Massachusetts Archives*, Vol. CXXIX. p. 334, Letter from Robert Livingston to Edward Randolph, Albany, 18 Feb. 1688–9, *post*. *Ibid.*, p. 350, from same to same, Albany, 22 March, 1688–9, *post*.

On March 24, a Committee was appointed by Gov. Andros to collect funds for erecting a building for the service of the Church of England. “By his Excellency. Pursuant to a resolve in Council,

was a meeting of the Council in Boston, Sir Edmund and Mr. Randolph being present,—the last of which a record has yet been found,—ordering the Treasurer to pay the Governor the amount of his salary due up to the last preceding Christmas.<sup>201</sup>

The rumors from England, the discontent of the soldiers sent on a fruitless expedition, the hardships of which had caused many deaths, added to the existing feeling among the people that Sir Edmund was determined to hold the New England Colonies, strong in their Protestantism, for King James, a known Papist and a friend of France, led to seditious speeches being made, and finally to mutinous conduct among the troops.<sup>202</sup> Some of the soldiers, as was reported

cil, I do hereby appoint and authorize you, Capt. Anthony Howard, Capt. William White, and Mr. Thaddeus Mackarty, to ask and receive the free and voluntary Contribution of any of the inhabitants in the town of Boston, towards the building and erecting of a house or place for the service of the Church of England; and in the doing thereof to desire the assistance of such persons of either congregation or neighborhood, as may be proper to accompany you therein; and of what you shall so receive to keep a distinct account, to be disposed of by you to that use accordingly; for which shall be your warrant. Dated in Boston, the 24<sup>th</sup> day of March, 1688[9]. By his Excellency's command." See *Massachusetts Historical Society Collections, Third Series*, Vol. I. p. 84.

<sup>201</sup> *Massachusetts Archives*, Vol. CXXIX. p. 354. Meeting of Council, 27 March, 1689, *post*.

On April 2, Andros sent a commission

to Samuel Bayard, to be clerk of the town of New York. See *Massachusetts Archives*, Vol. CXXIX. p. 356. On April 12 he ordered that the remainder of the plate from the wreck "be applyed towards y<sup>e</sup> new fortifications." *Ibid.*, p. 368. On April 15 he gave a commission to William Browne to be chief officer at Salem to enforce the act about passengers. *Ibid.*, p. 375.

<sup>202</sup> How many of the troops on the expedition were regulars has not been ascertained. The *Declaration* issued on the 18th speaks of several companies having been brought from Europe.

See *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 369, for a letter of Rev. Joshua Moody to Increase Mather, 8 Feb. 1688-9: "Beside the great comp<sup>a</sup> of men (its f<sup>d</sup> 400) that lye at the eastward to doe nothing this dreadfull season, there is a Presse for 200 more. What for who can tell?" Hutchinson says in his *History of Massachusetts Bay*, 2d ed.,

ported, having been discharged at Kennebunk by Lieutenant John Puddington, who was ordered to repair immediately to Boston to answer before the Governor for his action, and who was promptly replaced by Captain John Floyd, began to march towards the seat of government, in spite of the commands of their officers. Andros notified all justices of the peace and other civil officers at the eastward to aid Captain Floyd in maintaining subordination, and, in case the troops should not be amenable to discipline, they were to be arrested.<sup>203</sup> The serious aspect of affairs must have been discussed

ed., Vol. I. p. 371: "Notwithstanding his [Sir Edmund's] care, many died with hardships, more, it was thought, than the whole number of Indians at that time in hostility. Not one Indian was killed. They all fled into their remote dens, where they remained the whole winter."

See *Massachusetts Archives*, Vol. CXXIX. p. 360, under date of 11 April, for affidavits in regard to seditious speeches made by William Sargent of Amesbury.

See *History of New England*, by J. G. Palfrey, ed. 1864, Vol. III. p. 572, for the story of the Indian who said that the Indians instigated by Sir Edmund were to massacre the English colonists, he being in league with the French, and the rough treatment endured by the Sudbury men, who reported the story, at the hands of the Governor.

Among the minor causes of dissatisfaction was the binding over of Deacon Frary, for good behavior, he having hindered Rev. Mr. Ratcliffe in reading the services of the Church of England at the funeral of Samuel Lilly. According to Rev. Mr. Moody's letter, *supra*, neither the deceased nor the executors wished the services of the

Church of England. In a postscript Mr. Moody adds, "Be sure to take effectual course to assure yourself against Randolph, etc. ere you come off."

There was fear that Capt. George intended to sail for France and offer his services to James II. See *Massachusetts Archives*, Vol. CVII. p. 4, for the Deposition of R. Small and others serving on board the frigate *Rose*, 29 April, 1689.

<sup>203</sup> *Massachusetts Archives*, Vol. CXXIX. p. 368. Order of Gov. Andros to Lt. John Puddington at Kennebunk to repair to Boston for discharging his soldiers without orders, 12 April.

*Ibid.*, p. 370. Capt. John Floyd to take command in place of Lt. John Puddington. Order to all justices of the peace, constables, and other officers. "Whereas I am given to understand that severall of the Souldiers in his Maties service on y<sup>e</sup> expedition Eastward under the command of Capt. John Floyd have in a mutinous manner left & deserted their post & station at Saco River contrary to their officers Commands & are marching now towards Boston without their officers you are to give aid & assistance, etc. in case they refuse then to secure them."

cuffed at a Council meeting on the 11th, for one of the letters of Robert Livingston received by Randolph intimated that there was a total revolution in England.<sup>204</sup> On the 16th, Andros wrote to Brockholst: "There's a general buzzing among the people, great with expectation of their old charter, or they know not what; hope that all magistrates and officers will be careful not to be wanting in their duty, and particularly trust that the soldiers be in good order, and diligent to avoid surprize."<sup>205</sup> That the old Charter was to be restored seemed to the people to be assured, for a copy had been received, through Mr. Mather, of the report made by Sir Thomas Powis, Attorney General of James II., giving his opinion that "the Charter had been illegally vacated."<sup>206</sup> Notwithstanding Sir Edmund's warning, and before definite information was received by the colonists of the success of the Prince's invasion, although the Governor probably knew of the complete overthrow of James, the people rose, as if impelled by a common instinct, seizing Captain George, the commander of the frigate, who was on shore, while Andros and others avoided seizure by hastening to the fort for safety. Among those who fled to the fort for refuge

<sup>204</sup> Livingston's letter to Randolph, 22 March, *post*. At the Council meeting of the 11th, an order was passed to survey lands at Kittery for Joshua Downing, recommended by Randolph, and instructions were accordingly given on the 13th. See *Massachusetts Archives*, Vol. CXXVIII. p. 164, *post*; also *Ibid.*, Vol. CXXIX. p. 373. There is only an allusion to the Council meeting of the 11th, but no record of the meeting.

<sup>205</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 373.

The hopes of the people had been greatly raised by the Declaration of the Prince of Orange, brought to Boston by John Winslow a few days previously. "For bringing a traitorous and treasonable libel into the country," he was imprisoned, although he had offered bail to the amount of £2,000. *Andros Tracts*, Vol. I. p. 77.

<sup>206</sup> *New York Colonial Documents*, Vol. III. p. 578. Mr. Randolph to the Lords of Trade, 29 May, 1689, *post*.

refuge was Randolph, who at the outbreak of the revolt was at the Council Chamber, having taken the bond of a captain of a vessel "not to carry out passengers without a ticket of leave from the Secretary or departe himself without a lycence," bearing date the 18th of April, the last written record of Sir Edmund's administration.<sup>207</sup> So menacing and determined was the aspect of the colonial troops besieging the fort, and so great was the rage of the people, that Sir Edmund, failing in his attempt to reach the frigate, failing also to induce the Congregational ministers of the town to make an effort to pacify the people, and finding that he could not rely upon the intimidated garrison in the fort, surrendered.<sup>208</sup> He, with Randolph and others, was taken,

<sup>207</sup> *Massachusetts Archives*, Vol. CXXIX. p. 378. Bond of Captain William Everton of the barque Lark of Boston for a thousand pounds. 18 April, 1689.

<sup>208</sup> *Andros Traits*, Vol. I. p. 20. Summons to Sir Edmund Andros:—

"At the Town House in Boston, April 18, 1689. *Sir*: Our selves and many others the Inhabitants of this Town, and the Places adjacent, being surprized with the Peoples sudden taking of Arms; in the first motion whereof we were wholly ignorant, being driven by the present Accident are necessitated to acquaint your Excellency, that for the quieting and securing of the People, inhabiting in this Country from the imminent Dangers they many ways lie open and exposed to, and tendring your own Safety, We judge it necessary you forthwith surrender and deliver up the Government and Fortification to be preserved and disposed according to Order and Direction from the Crown of England, which suddenly is expected may

arrive; promising all security from violence to your Self or any of your Gentlemen or Souldiers in Person and Estate: Otherwise we are assured they will endeavour the taking of the Fortification by Storm, if any Opposition be made.

Waite Winthrop, Simon Bradstreet, William Stoughton, Samuel Shrimpton, Bartholomew Gidney, William Brown, Thomas Danforth, John Richards, Elisha Cook, Isaac Addington, John Nelson, Adam Winthrop, Peter Sargent, John Foster, David Waterhouse.

*Finis.*"

"To Sir Edmund Andros, Kt."

See *Massachusetts Archives*, Vol. CCXLII. p. 365, for the printed demand of surrender. For full account of the Revolution see *Massachusetts Historical Society Collections, Fourth Series*, Vol. V. p. 192. Letter of Samuel Prince to Thomas Hinckley: "Boston, 22 April, 1689. Being at the north end of the town I saw boys run along the street with clubs in their hands, encouraging one another to fight, and haſting

taken, disarmed, to the Council Chamber, where members of the hastily organized government were assembled. Among them Randolph mentions seeing "Five Ministers of Boston, vizt. Moode [Moodey], Allen, young Mather, Willard, and Millburn an Anabaptist Minister, in the Councill Chamber on the eighteenth of Aprill when the Goven' and myselfe were brought out of the Fort before them, writeing orders, and were authors of some of their printed papers."<sup>209</sup> The Governor

hasting towards the town dock I soon saw men running for their arms. I was told that Captain George and the master of the frigate was seized and secured in Mr. Colman's house: immediately the drums began to beat, and the people hasting and running some with and some for arms. Young Dudley and Colonel Lidget with some difficulty attained to the Fort; the poor boy cried very much; whom the Governor sent immediately on an errand to request the four ministers, Mr. Joyliffe and one or two more to come to him at the Fort, pretending that by them he might still the people. The Governor, with Palmer, Randolph, Lidget, West and one or two more, were in the Fort. Others who had hidden themselves in the town were found and laid hold of. All the Companies were soon rallied together, at the Town House, where assembled Captain Winthrop, Shrimpton, Page and many other substantial men, to consult of matters; in which time the old Governour [Bradstreet] came among them, at whose appearance there was a great shout by the soldiers. The King's jack was set up at the Fort, and a pair of colours at Beacon Hill, which gave notice to some thousands of soldiers on Charlestown side that the controversy was now to be ended. The frigate upon the tidings of the news

put out all her flags and pennants and opened all her ports, and with all speed made ready for fight, under the command of the lieutenant, — swearing that he would die before she should be taken. Now about four of clock in the afternoon, orders were given to go and demand the Fort, which hour the soldiers thought long for; and had it not been just at that nick, the Governor and all the crew had made their escape on board the frigate, a barge being sent for them. The army divided, and part came up on the back side of the Fort, and part went underneath the hill to the lower battery, or sconce, where the red coats were; who immediately upon their approach, retired up the Fort to their master, who rebuked them for not firing at our soldiers, and as I am informed beat some of them. The soldiers turned the great guns of the sconce about and mounted them against the Fort; they were so void of fear, that I presume, had they within the Fort been resolute to have lost their lives in fight, they might have killed an hundred of us at once, being so thick together before the mouths of their cannons at the Fort."

In the *Historical Documents of the American Colonial Church*, by W. S. Perry, D. D., Vol. III. pp. 53-64, there is a detailed account of the uprising.

<sup>209</sup> *New York Colonial Documents*, Vol.



Governor was sent a prisoner to Mr. Usher's house, where he was strictly guarded, while Randolph, who had "performed the ceremonies of the surrender of the Fort," and the others were thrown into the common jail.<sup>210</sup> The next day a summons was sent to the commander of the Castle in the harbor to surrender,<sup>211</sup> and an order was obtained to that effect from Sir Edmund by threatening him with the violence of the mob.<sup>212</sup> "Now by this time that the men came back from the Castle all the guns both in ships and batteries were brought to bear against the frigate, which were enough to have shattered her to pieces at once, resolving to have her. But as it is incident to corrupt nature to lay the blame of our evil deeds any where rather than ourselves, so Captain George casts all the blame now upon that devil Randolph, for had it not been for him, he had never troubled this good people. So earnestly soliciting that he might not be constrained to surrender the ship, for by so doing, both himself and all his men should lose their wages, but giving leave he would

Vol. III. p. 578. Mr. Randolph to the Lords of Trade, 29 May, 1689, *post*.

According to Byfield's account in *Andros Tracts*, Vol. I. p. 6, Mr. Stoughton was the first to speak to Andros in the Council Chamber, saying "he might thank himself for the present disaster."

<sup>210</sup> *Andros Tracts*, Vol. II. p. 197. "With much ado the Governour gave Order for the surrender of the Fort; and the ceremonies of the surrender were performed by Secretary *Randolph*, the very man whose lyes and clamours and malicious unwearied Applications had the greatest influence in the overthrow of our former Government." The jail was built of stone, situated in Prison

Lane. See *Annals of King's Chapel*, by H. W. Foote, Vol. I. p. 86.

<sup>211</sup> *Massachusetts Archives*, Vol. CVII. p. 1. "To Ensign John Pipoon, Commander of y<sup>e</sup> Castle. At y<sup>e</sup> townehouse in Boston 19<sup>th</sup> Aprill 1689. S<sup>t</sup> The People of y<sup>e</sup> Countrey being in Armes and many hundreds of y<sup>m</sup> drawne to Boston having y<sup>e</sup> fort suddenly delivered up," etc. Signed by the Committee.

<sup>212</sup> "They told him, if he would not give it [the order] presently under hand and seal, that he must expect to be delivered up to the rage of the people, who doubtless would put him to death. It was surrendered with curling." See letter of Samuel Prince, *supra*.

would go on board, close up the ports and bring the fails ashore, and so they did."<sup>213</sup> The people clamored that the Governor must be put in a secure place. To pacify them he was sent under guard to the Fort.<sup>214</sup>

The downfall of Andros, shattering the newly constructed union constituting the Dominion, for which Randolph had labored persistently, led to the immediate resumption of their old democratic forms of government by the different Colonies, except in the Province of New York, where Nicholson, the Lieutenant Governor, maintained himself in authority for a short time, but, finding his position perilous, he failed soon for England.<sup>215</sup> Although in Massachusetts a government

<sup>213</sup> Letter of Samuel Prince, *supra*. Also *Massachusetts Archives*, Vol. CVII. p. 2. "Order that the Rose frigate be dismantled. Boston, 22 April, 1689. At the Council for safety of the People and Conservation of the Peace. Present: Simon Bradstreet, Esq; Presid'. Tho: Danforth, John Richards, Elisha Cooke, John Foster, Adam Winthrop, W<sup>m</sup> Stoughton, Col. Sam<sup>l</sup> Shrimpton, Esq; Jo. Russell Esq', John Nelson, Pe. Seargent, David Waterhouse.

"S: I am ordered to signify unto you that for the quieting of the People, It is desired and expected that according to y<sup>r</sup> promise to the Council, you cause the fails of the frigate to be brought on shore to be laid up in a safe place, which Mr. John Foster and Mr. David Waterhouse are desired to take care of; And Mr. Ralph Carter is sent with this order to see the same effected.

I<sup>st</sup> Addington, Cler.

"To M<sup>r</sup> David Condon, Lieut. of the Rose Frigate."

<sup>214</sup> See letter of Samuel Prince, *supra*.  
"The Declaration of the Gentlemen,

*Merchants, and Inhabitants of Boston and the Country adjacent*," issued April 18, which was probably written by Cotton Mather, gives the reasons for overthrowing Andros, and enumerates the grievances suffered by the Colonists.

*History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 373: "The governor and such of the Council as had been most active, and other obnoxious persons, about fifty in the whole, were seized and confined and the old magistrates were reinstated. This was certainly a rash precipitate proceeding. Little or no inconvenience could arise from a few days delay." *Ibid.*, p. 382: "They chose Mr. Bradstreet their president, Isaac Addington clerk of the Council, and Wait Winthrop Commander in Chief of the militia, and appointed officers in the several ports for entering and clearing vessels, and John Foster and Adam Winthrop, two of their number, stewards or treasurers." The names of the Council, thirty-seven in number, are given by Hutchinson.

<sup>215</sup> Nicholson wrote to Bradstreet, Wait

government according to the Charter was re-established in form, its authority was weak and uncertain, orders from  
England

Wait Winthrop, and others at Boston, as follows:—

"Gentlemen. New-York, 1689, 1<sup>st</sup> May. It was an extraordinary surprize to us to hear of the confusions the inhabitants at Boston have occasioned by taking that part of the government to themselves, and that they have seized upon the person of his excellency and several of the officers. We cannot imagine, that any such actions can proceed from any person of quality amongst them, but rather promoted by the rabble, and that for the safety of his excellency's person those measures have been taken; but hope, and doubt not, before this time, the fury of those persons may be allayed, and that his excellency and the rest of the officers may be restored to their former stations, or at least have liberty to come hither. For this part of the government, we find the people in general inclined to peace and quietness, and doubt not the people will remain in their duties. We do not question but you will send us a speedy answer, the matter being of so great consequence, tending to the peace and quietness of us all, which if you do, we remain your friends and servants.

Fra. Nicholson, Frederik Flypfe,  
N. Bayard, S. Cortland."

The following answer was returned:—

"Boston, 11<sup>th</sup> May 1689. Gentlemen, In answer to yours of the first of May instant, giving an account of your having received the general intelligence of the revolution occurring here, expressing your hopes that before this time the fury of the people may be allayed, and that Sir Edmund Andros and the rest of the officers may be restored to their former stations, or at least have liberty to come to you, We perceive you have

not a particular account how things are at present circumstanced with us, there being no other form of government than a committee for safety of the people and conservation of the peace, the soldiers still continuing in arms. And the people are so well satisfied in the justifiableness of their late actions, that they continue their spirit and resolution, to pursue what they have put forth in their public declaration printed, which is here inclosed, as also a printed copy of the advice given by ourselves and others unto Sir Edmund, which will shew the necessity of our then interposing. And we have no other station than to intend the common safety and conservation of the peace, and it is not in our power to set any persons at liberty who are confined and kept by the soldiers. This being all the present answer we can make to you, if accepted, we remain, Gentlemen, your friends and servants,

S. Bradstreet,

Wait Winthrop.

"To Capt. Fran. Nicholson, Fred. Phillips, Nich. Bayard, and Stephen Cortland, Esqrs."

*History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 384. Hutchinson adds in a note: "The inhabitants of New York, having never experienced any great degree of liberty, there would have been no grounds of fears of a revolt, if it had not been for the example of New England. From their first subjection to England, the government had been the same, and the Dutch governors who preceded were not less absolute than the English."

For an account of the seizure of the government of the Province by Jacob Leisler for the Protestant cause and for King William and Queen Mary, see

*New*

England being waited for. The majority of the representatives of the towns, who assembled in Boston on the 22d of May, wished to settle the government on the old foundations, without waiting for instructions from England, but the larger part of the Council hesitated, some of them hoping to obtain from the liberal party in power in England a new Charter without the defects of the old one.<sup>216</sup> On the 24th the Governor and the Magistrates elected in 1686, before the formal notification of the annulling of the Charter had been received, signified their willingness to continue in office temporarily, "provided an addition should be made of fit persons to assist them."<sup>217</sup> Two days later came "the most joyful news ever received in New England," that William and

*New York Colonial Documents*, Vol. III. p. 585, *et seq.*

<sup>216</sup> By a recommendation made by the Council on the 2d of May sixty-six representatives of forty-three towns met in Boston on the 10th, when it was decided by them and the Council to request a fuller representation to meet on the 22d, and also that the number of the Council should be increased by choice made by the representatives. "Answer of the Council to the Declaration of the Representatives," in *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 708.

Hutchinson says, in his *History of Massachusetts Bay*, 2d ed., Vol. I. pp. 382, 386: "There were many who were desirous of a settlement from England, sensible of the defects in the Charter. The representatives of fifty-four towns met at Boston, on the 22d of May. Forty towns had instructed their representatives to reassume the charter. The major part of the Council were against

it. Two days were spent in disputes. The people without doors were also much divided in sentiments."

<sup>217</sup> The new members resigned immediately, in order to preserve harmony. *Massachusetts Historical Society Collections, Fifth Series*, Vol. VIII. p. 491. "The Declaration of Wait Winthrop, Samuel Shrimpton, J. Nelson, Peter Sargent, John Foster, Adam Winthrop, Richard Sprague, Nath<sup>l</sup> Oliver, Jos<sup>ph</sup> Dummer, Jn<sup>o</sup> Eyre, And<sup>rs</sup> Belcher, 25 May. Relying on the integrity of y<sup>r</sup> verbal and printed promises, by inviolably preserving this people & place in obedience, unto the direction wee expect from the Crowne of England, and good treatment to the persons of all and severall the gentlemen, as was by us signified in our advice unto S<sup>t</sup> Edmund Andros, upon delivery up of the fort, wee shall endeavour to pacifie the dissatisfied and promote the publick tranquillity as far as in us lies."

and Mary had been, on the 13th of February, proclaimed King and Queen of England, and on the 29th of May the proclamation was published in Boston with great ceremony.<sup>218</sup> A newly elected House of Representatives having assembled on June 5th, an effort was made by the Council to liberate Sir Edmund and the other prisoners, but without success.<sup>219</sup> The house, not being in a lenient mood, voted "that S<sup>r</sup> Edmund Andros be forthw<sup>th</sup> removed to the Castle and carefully kept and secured (till further order) by a sufficient gard."<sup>220</sup>

Randolph

<sup>218</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 387. "The fears of the people of any very bad consequences from their late actions were now over. On the 29<sup>th</sup> the proclamation was published in Boston with greater ceremony than had been known, the governor and council, civil and military officers, merchants of the town, and principal gentlemen of the town and country being on horseback, the regiment of the town, and many companies of horse and foot from the country, appearing in arms; a grand entertainment was prepared in the town house, and wine was served out to the soldiers."

For details of the Revolution in England, see *Diary of John Evelyn*. "Nov. 14. 88. The Queene prepares to go to Portsmouth for safety. 2 Dec. the greate favorites at Court, Priests, and Jesuits fly or abscond. Dec. 9. the rabble demolished all Popish chapels. Dec. 18. I saw the King take barge at Gravesend at 12 o'clock — a sad sight! The Prince [of Orange] comes to St. James' and fills Whitehall with Dutch guards. All the world go to see the Prince at St. James' where there is a greate court. There I saw him. 1689

Mar. 29. Parliament preparing the Coronation oath. Ap. 12 Scotland declares for K. William and Qu. Mary, with the reasons for their setting aside K. James, not as abdicating, but forfeiting his right by maladministration. The new Privy Council have a Republican spirit. 26 Ap. now appeared the act of Indulgence for the dissenters, but not exempting them paying due to the Church of England clergy. 17 Nov. A convocation of the Clergy meet about a Reformation of our Liturgy, canons etc. obstructed by others of the Clergy."

<sup>219</sup> *Massachusetts Archives*, Vol. CVII. p. 84. "Its propofed that y<sup>e</sup> Representatives now convened do draw up articles of charge severally against the said Gent<sup>en</sup> feting forth y<sup>e</sup> causes of their confinement and reasons for their being so continued, or that some order be taken for their release or enlargem<sup>t</sup> upon security. Vot<sup>d</sup> by y<sup>e</sup> Council. 6 June, 1689. If<sup>t</sup> Addington, Secy."

<sup>220</sup> *Ibid.*, same date. The vote was signed by "Ebenezer Prout, Clerk to the Representatives and consented to by the Councill. If<sup>t</sup> Addington Secy."

The Council having said they "did not intend assumption of Charter Government,"

Randolph, knowing that the feeling of hostility against him was very strong, being considered the chief author of all the troubles, writes that "all the blame lyes upon me, who first attacked and overthrew their Charter, and was made the officer to continue their Egyptian servitude by my office of Collector." He also wrote from prison to the Governor of Barbadoes a letter which appears to have reached its destination: "I intreat you to represent my state to the Earls of Clarendon and Rochester by the first opportunity, and that the Governor and I may be sent for home by some frigotts. I am confident they will never part with me, unlesse demanded by a force or their ships stoped in the plantations till I am delivered up for their liberty and license to trade. I must confesse there have been ill men from New York, who have too much studdied the disease of this people, and both in courts and counccills they have not been treated well. However,

ernment," the Representatives voted on 7 June that "the Governor and Council assume the exercise of Government according to our Charter rules and according to the Laws made by our Charter Government (not repugnant to the Laws of England) until further order from England and that the Major Generall and the five Assistants lately chosen take their respective oaths," which was consented to by the Governor and Council.

On June 5th, Joseph Dudley, who was in prison, and against whom there was a very hostile feeling, wrote a long letter to Rev. Cotton Mather to explain and extenuate his actions. "I believed the clause in his [Andros's] commission referring to patenting of lands did intend and concerne the great waste of undisposed lands and not the patenting

of ancient possessions. I have openly spoken against the grant of Lynn and Cambridge Common and did certainly prevent those grants and particularly the grant of Charlestown Common. Concerning the war at the eastward I did represent my opinion to bee that wee were not able to support a great force, that it were better to put the rebels heads at a good value and to imploy the Maquas [Mohawks] and English volunteers to hunt for them at such a price." *Massachusetts Historical Society Collections, Eighth Series*, Vol. III. p. 501.

On the 7th, Benjamin Bullivant petitioned to be released from prison. *Massachusetts Archives*, Vol. CVII. p. 88. He was set free on the 12th. On the 7th, Capt. Trefry and Ensign Pipoon were released.

ever, nothing done can amount to countenance such an open rebellion." He then warns the Governor of the probable arrival at his island of some pirates from New England, who ought to be seized: "This I heartily refer to your conduct and privacy, my life lying at stake for the least discovery. I cannot trust Mr. Rudger, father in law to Mr. West, with us, who has been a great instrument in imposing upon this people."<sup>221</sup> A few days later he wrote to the Archbishop of Canterbury a letter introducing Rev. Mr. Ratcliffe, who intended to leave soon for England, but who did not, however, sail until July.<sup>222</sup> Mr. Ratcliffe appears to have been well treated personally by the colonists during the exciting days of the revolution; the new church building, however, suffered some slight damage.<sup>223</sup> In this letter Randolph gives an account of the revolt: "They have imprisoned y<sup>e</sup> Gov<sup>r</sup> in the fort, they keep me in the common Goal, giving out he is

<sup>221</sup> *Hutchinson's Collection of Papers*, Prince Society, Vol. II. p. 314. Mr. Randolph to the Governor of Barbadoes. Goal in Boston, 16 May, 1689, *post*.

Macaulay, in his *History of England*, Vol. II. p. 406, ed. 1861, speaks of Lord Clarendon as follows: "It is a remarkable fact that the chief of this party [that wished to treat James II. with severity] was a peer, who had been a vehement Tory, and who afterwards died a Nonjuror, Clarendon. He knew that the asperity, with which he had in the royal preference, censured the whole system of government, had given mortal offence to his old master. On the other hand he might as the uncle of the Princesses, hope to be great and rich in the new world which was about to begin."

<sup>222</sup> *Annals of King's Chapel*, by H. W. Foote, Vol. I. p. 86.

<sup>223</sup> See *Andros Tracts*, Vol. II. p. 212, for an account of damage done to the church. Ratcliffe wished to come back to Boston, according to a letter of Charles Lidgett from London to F. Foxcroft, dated 28 May, 1690, in the *Annals of King's Chapel*, by H. W. Foote, Vol. I. p. 86. "Mr. Ratcliffe has a mind once again upon little encouragement to leave a sure Benefice here for another Stool into America." For the severe and even cruel treatment suffered by the clergy of the Anglican Church in Scotland after the Revolution in retaliation for their oppressive conduct, see *History of England*, by T. B. Macaulay, Vol. II. p. 230, ed. 1861.

is a Papist & that I have committed Treason. Their printed Papers which M<sup>r</sup> Ratcliffe will present to your Grace will give an account of their actions but nothing therein thats justly charged. I heare M<sup>r</sup> Mather and others are soliciting hard for a new charter;<sup>224</sup> I hope I may have his

<sup>224</sup> "The petition of Sir William Phips Knight, and Increase Mather, Rector of the Colledge at Cambridge, in New England, to King William III., begging that the Charters of New England might be restored as they were before the quo warranto, is printed in *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 705.

*State Papers, Colonial, Entry Book* 101, page 200, 20 Feb. 1684.

[Petition of Phipps and Mather.]

"At the Committee for Trade & Plantations In the Council-Chamber at Whitehall Wednesday the 20<sup>th</sup> of febr<sup>y</sup> 1684.

"Present: Lord Privy Seal, Marq: of Winchester, Lord Steward, Earl of Shrewsbury, L<sup>d</sup> Visco<sup>t</sup> Fauconberg, Lord Visco<sup>t</sup> Mordant, S<sup>r</sup> Henry Capel, M<sup>r</sup> Powle, M<sup>r</sup> Hambden, M<sup>r</sup> Boscawen.

"... The Petition of S<sup>r</sup> W<sup>m</sup> Phipps and M<sup>r</sup> Increase Mather referred by His Ma<sup>ty</sup> Order of the 13<sup>th</sup> Instant read, praying that the Colonys of the Massachusetts Bay, New Plymouth, Connecticut, Rhode Island, and Providence Plantation in New-England, may have their respective Charters restored vnto them, And their Magistrats permitted to take vpon them the Government of those Colonies. And the Pet<sup>r</sup> attending are called in and heard by their Council, and having complained of an Irregular Proceeding vpon the Scire

facias, whereby the Charter of the Massachusetts Bay was vacated; their Lo<sup>ps</sup> order that S<sup>r</sup> Robert Sawyer, ert Sawyer, who was Attorney General, during these Proceedings, and M<sup>r</sup> Penryn Clerk of the Petty-Bag Office, together with the Attorney vpon Record, have notice to attend at y<sup>e</sup> next Meeting of the Committee, with y<sup>e</sup> Record of the Scire Facias and Judgement, vpon which the Charter of the Massachusetts Bay was vacated, in order to give their Lo<sup>ps</sup> an acco<sup>t</sup> of the Proceedings."

*State Papers, Colonial, Entry Book* 100, page 201, 22 Feb. 1684.

[Concerning granting of New Charter; &c.]

"At the Committee for Trade & Plantations In the Council-Chamber at White Hall Friday the 22<sup>d</sup> of February 1684.

"Present: Lord President, Lord Privy Seal, Lord Steward, Earl of Shrewsbury, Earl of Bath, Earl of Nottingham, L<sup>d</sup> Visco<sup>t</sup> Fauconberg, Lord Visco<sup>t</sup> Mordant, Lord Visco<sup>t</sup> Lumley, Lord B<sup>r</sup> of London, S<sup>r</sup> Henry Capell, S<sup>r</sup> John Lowther, M<sup>r</sup> Powle, M<sup>r</sup> Hampden, M<sup>r</sup> Boscawen.

"Sir W<sup>m</sup> Phipps @ M<sup>r</sup> Mather attending with their Council are called in and Heard. After which S<sup>r</sup> Robert Sawyer gives their Lo<sup>ps</sup> an account of the several proceedings vpon a Quo Warranto @ Scire Facias against the Charter of the Massachusetts Bay

New England  
Petition for  
reviving the  
Charters.

New Engl<sup>d</sup>  
Pet<sup>r</sup> for  
Restoring ye  
Charters heard.



his Maj<sup>ties</sup> commands to come for England & shew the Reason why their former was vacated & shew the Great & irreparable

Bay, And that Judgement had been given against their Charter, For levying Money illegally vpon His Ma<sup>ty</sup>'s Subjects ; For Coyning of Money ; For imposing an Oath of fidelity to themselves vpon the Inhabitants, not being free of the Company ; For making several Crimes Treason @ Felony that were not soe by Law. Whereupon their Lo<sup>es</sup> taking notice that His Ma<sup>ty</sup>'s Revenue in y<sup>e</sup> Plantations is very much concerned herein ; As alsoe that the French who border vpon these Colonys have lately Invaded His Ma<sup>ty</sup>'s Dominions in these parts, It is agreed to offer, That His Ma<sup>ty</sup> bee pleased to send forthwith a

A Gov<sup>r</sup>  
to be sent.

Governor to New England in the place of S<sup>r</sup> Edmund Andros, with a Provisional Commission and Instructions to Proclaim His Ma<sup>ty</sup> in those Colonys @ to take the present care of the Administration of the Government of those Parts vntil further Order. In which Commission and Instructions it may bee expressed that noe Money shall bee raised by y<sup>e</sup> Governor and Council only. And their Lo<sup>es</sup> will likewise propose, That His Ma<sup>ty</sup> doe thereupon give such further Order for preparing, as soon as may bee, such a further Establishm<sup>t</sup> as may bee lasting and preserve the Rights and Privileges of the People of New Engl<sup>d</sup>, and yet Reserve such a Dependance on the Crown of England as shall bee thought requisite.

Ordered in  
Council that  
a new Charter  
bee prepared.

“ Mem<sup>orandum</sup> On the 26<sup>th</sup> of this month their Lo<sup>es</sup>, having accordingly made Report to His Ma<sup>ty</sup> in Council, His Ma<sup>ty</sup> was thereupon pleased to Order, That it bee Referred

back to the Committee to consider of and prepare the Draught of a New Charter to bee granted to the Inhabitants of New England, And may preserve the Rights and Propertys of those Colonys, and reserve such a dependance on the Crown according to the Report ; And that instead of a Governor to bee sent in the room of S<sup>r</sup> Edmund Andros, there bee appointed two

&  
Commissioners  
to bee sent  
thither.  
Commissioners to take vpon them the Administration of the Government there, with Directions immediately to Proclaim the King and Queen, as alsoe that such Merchants and Planters as are at present in England, attend the Committee, in order to Recommend to their Lo<sup>es</sup> one of the Commissioners for His Ma<sup>ty</sup>'s approbation.”

*History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 389.

“ The house of Commons voted the taking away the charters of the plantations to be a grievance, and a bill passed the house for restoring charters, and the New England charters were expressly mentioned ; but whilst the bill lay in the house of Lords, the Parliament, sooner than expected, was prorogued, the King going to Ireland.

“ At a committee of grievances, Martis 5<sup>o</sup> Martii 1688[9], resolved nem. con. that it is the opinion of this Committee, that the late prosecutions of *quo warranto* against the cities, two universities, the towns corporate, boroughs and cinque ports, and the plantations, and the judgment thereupon, and the surrenders of charters to the violation of their ancient rights, are illegal and grievances. By the house ‘Resolved, that this house doth agree with the said committee in said



pairable losse that will attend the Crown upon granting it. I humbly intreat the favour that I may be sent for home to answer the crimes laid to my charge, that I may not after all my difficultyes & hardships rott to death in a nasty Gaol for my faithfull Service to the Crown. The bottom and ground of all their Complaints is that Gov<sup>r</sup> Andros endeavoured to execute the Acts of Trade, and prevented their harboring pirates, and this liberty they count & sue for under the name of a Charter. Mr Ratcliffe has got us a church built & a large Congregation, but now he is forced to come for England to solicit for the enlargement of many of his constant hearers imprisoned for no other reason but because they were of the Church of England.”<sup>226</sup>

The following day he sent to the newly appointed Lords of Trade “a short narrative of the present unsettled state of his Ma<sup>ty</sup> territory and dominion of New England,” in which he speaks of the necessity of a speedy settlement of the government, so as to prevent the French of Canada, who had four thousand armed men, and who had seized some of the chiefs of the Five Nations, from taking possession of the land belonging to the English and of the beaver trade, but not by granting a new Charter or restoring the old one. “The only

said resolve, and that the late prosecution of quo warrantos against the cities, two universities, the towns corporate, boroughs and cinq ports, and plantations, and judgment thereupon, and the surrenders of charters to the violation of their ancient rights are illegal and a grievance.”

<sup>226</sup> *New England Historical and Genealogical Register*, Vol. XXXVII. p. 273. Letter of Edward Randolph to

Dr. Wm. Sancroft, Archbishop of Canterbury, 28 May, 1689, *post*.

In the records of King's Chapel is the following entry: “Note that on 18 Aprill preceding the date on the other side began a most impious & detestable rebellion against the King's Majestys Government, the Governor and all just men to the same were brought under restraint.” *Annals of King's Chapel*, by H. W. Foote, Vol. I. p. 82.

only reason the colonists wish for a charter is to give them liberty to trade with European nations without paying duties in England. Col. Dongan sent troops to Albany to assist the Five Nations against the French, for which expedition he has charged about six thousand four hundred pounds, of which I have something (when in England) to lay before your Lordships. Notwithstanding all the pretensions of grievances mentioned in their papers and cries of oppression it's not the person of S<sup>r</sup> Edmund Andros, but the government itself they designe to have removed. Among the agents in England soliciting the restoration of the charter are Mr. Richard Wharton, a great undertaker for pyrates and promoter of irregular trade, and Mr. Sewall, formerly Master of the Mint, who was a loser by putting that down, as the pirates used to have their stolen silver coined by him. Their present practice since their revolt is a sufficient demonstration of what they intend to doe when they receive a Charter. They have already sett at liberty severall pyrates imprisoned in the common gaole. My Lords, I am kept very inhumanely and the Governor worse, whose packett sent by expresse order from Whitehall and letters of both publick and private concernes of his and mine are stop'd and opened by S<sup>r</sup> William Phips, who says the Govern<sup>r</sup> is a rogue and shall not have his packetts nor letters, and pretends an order for so doing and keeps them from us. I humbly intreat the favour off your Lordships that I be not exposed here to the malice of those who for my faithfull service to the Crowne for fourteen yeares in this country are become my enemies. I have many things (relating to the well being of this country) of great import to His  
Ma<sup>ty</sup>

Ma<sup>ty</sup> service, which being now a close prisoner and all my papers and materiall writeings kept from me, I am in no condition to transmitt to yo<sup>r</sup> Lordships, but expect with patience by yo<sup>r</sup> Lordships direccons for a speedy opportunity for so doing."<sup>226</sup>

A second effort was made by the Council to have the prisoners liberated, which was thought could be accomplished by proposing to set free all the prisoners except the Governor;<sup>227</sup> but the Representatives were not in the mood to comply, and they resolved "that Sir Edmund Andros and the other prisoners are not bailable."<sup>228</sup> In the resolve the

<sup>226</sup> *New York Colonial Documents*, Vol. III. p. 578. Mr. Randolph to the Lords of Trade, 29 May, 1689, *post*.

On the 8th of June, Governor Bradstreet wrote on behalf of the Council and Representatives to John Hampden, grandson of the famous John Hampden, thanking him for his interest in Massachusetts and his efforts "for the nulling of that Judgment entred against us. And hoping that in this day of General Restoration of Charters and English Liberties we shall not be forgotten, nor left without our Share therein, but be again fixt and settled in our former Charter Government." *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 538.

According to Evelyn the Charter of the City of London was not restored until 24 May, 1690.

<sup>227</sup> *Massachusetts Archives*, Vol. CVII. p. 108. Draft of proposals to liberate the gentlemen under restraint, except Sir Edmund Andros. "The mag<sup>ty</sup> doe propose that the rest of the Gentlemen under restraint, Sir Edmund Andros only excepted, be enlarged giving bond with sureties as M<sup>r</sup> Lidgett

hath done or as this Court shall order."

13 June, 1689. On the same day John West petitioned to be released. *Ibid.*, p. 109. Also on the 13th the Governor, Council, and Convention of the Representatives ordered that all towns should select their town officers as "before the change of the Gover<sup>mt</sup> in May 1686." *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 710. On 22 June it was declared "by order of the Convention, that all laws in force, not repugnant to the laws of England, before the 12 of May, 1686, are and do continue in force till further settlement." *Massachusetts Archives*, Vol. CVII. p. 94. The term Convention was evidently used in imitation of the Convention in England, which became a Parliament. On 12 June, John Usher was called to account for "raising of money in an arbitrary way." *Ibid.*, p. 99.

<sup>228</sup> *Ibid.*, p. 151. Resolves of the Representatives that Sir Edmund Andros and the other prisoners are not bailable:—

"Ordered by the Representatives, That the psons underwritten (according to

the reasons are stated for not allowing them to be freed on bail. In the case of Edward Randolph it was said he "is not Bayable, he having broken a Capitall Law of this Colony in endeavouring and accomplishing the subversion of our Government and having been an evill Counsellor."

The penalties being severe to which the prisoners were exposed under the laws of the Charter government, especially for those accused of subverting the government, efforts were made by their friends in England to prevent its restoration, and to have the prisoners brought to England for trial.

to Declaration given out by the Gentlemen, Merchants and Inhabitants of Boston with the Townes adjacent, are not bayable but must of necessity be reserved for Tryal by direction from the Crown of England, and for the rest that are in hold not mentioned we cannot see Reason yet to release them untill such measures bee taken as may be safe by opening of courts.

Joseph Dudley, Edmund Andros, Edward Randolph, John West, John Palmer, James Graham, George ffarewell.

"June 24<sup>th</sup> 1689.

"Attests Ebenezer Prout, Clerk."

"Resolved by the Representatives, That M<sup>r</sup>. Joseph Dudley is not bayable he having broken a Capitall Law of this Colony in subverting our Government and usurping Government over us upon an Illegall and Arbitrary Commission against the fundamentall Laws of England, and since as a Judge under Sir Edmund not regarding the King's Oath.

"That Sir Edmund Andros is not bayable he being guilty of receiving and executing illegall Comissions exerting arbitrary and despotick power contrary to the fundamentall Laws of England and the Laws of this Colony.

"That M<sup>r</sup>. Edward Randolph is not Bayable he having broken a Capitall Law of this Colony in endeavouring and accomplishing the subversion of our Government and having been an evill Counsellor.

"That M<sup>r</sup>. John Palmer is not Bayable he haveing as a Judge not regarded the King's Oath and been an evill Concelour unto Sir Edmund.

"That M<sup>r</sup>. John West James Graham and George ffarewell are not bayable having been Agents and Accomplices with S<sup>r</sup>. Edmund in his treasonable and unjust Actions.

"That M<sup>r</sup>. James Sherlock is not Bayable haveing been Guilty of picking and packing of Juries (contrary to Law) whereby many of his Maj<sup>ties</sup> good Subjects have been layd under great and unjust fines and other molestations, and also extorting unreasonable fees.

"Voted in the affirmative.

"June 28, 1689.

"Attests Ebenezer Prout, Clerk."

On the 29<sup>th</sup> of June, Mather and Sewall heard of the revolution in New England. Sewall notes in his *Diary*, "I read the news of Boston, and then gave it Mr. Mather to read. We were surpris'd with joy."

trial. Among others, Randolph's wife petitioned King William that her husband "may be sent for into England to answer before your ma<sup>ties</sup> to whatsoever may be laid to his Charge, he having served the Crowne this 30 yeares, and has alwayes demeaned himselfe as a dutifull and loyall Subject and is & alwayes was a Protestant. That he has no other meanes to maintain himselfe, your Petition<sup>r</sup> & 5 Children, but by his said Imployment, so that unless he be set at liberty, they must inevitably perish." <sup>229</sup> Randolph wrote an urgent letter to the Lord Privy Seal, in which he expresses the hope that the King has already "sent heither a sufficient force to quiett the present disorders, & reduce this Country to a firm dependance upon y<sup>e</sup> Crown, and drive back the French and their Indian allies. All things are Carried on by a furious Rabble animated & Encouraged by y<sup>e</sup> Crafty Ministers, some whereof (as young Mather, son to old M<sup>r</sup> Mather their Agent) were the Cheife promoters of this Rebellion; if the Charter is restored, they will Massacre us, & at the same tyme cast off their Allegiance to y<sup>e</sup> Crown, accounting themselves his Ma<sup>ties</sup> Nominall & not reall Subjects, as one of their Cheife Ministers lately declared in publick." <sup>230</sup> To Captain Nicholson in London, whom he addresses as "Leiftn<sup>t</sup> Gov<sup>r</sup> of his Ma<sup>ties</sup> Territory & do<sup>m</sup> of New Eng<sup>d</sup>," he describes the devastation of Maine and the disasters threatening Massachusetts: "I know not how this Country

<sup>229</sup> *State Papers, Board of Trade, New England*, Vol. V. (5). Petition of Sarah Randolph to the Kings most Excellent Ma<sup>ty</sup>, *post*.

<sup>230</sup> *State Papers, Board of Trade, New England*, Vol. V. p. 104. Dupli-

cate of "M<sup>r</sup> Randolph's Letter to my Lord Privie Seale, from y<sup>e</sup> Common Goal in Boston," July 23, 1689, *post*. Also *Ibid.*, p. 87, Randolph to Blathwayt, 22 July, 1689, *post*.

Country can be preserved from utter destruction even from y<sup>e</sup> Civill diffentions unlesse His Ma<sup>tie</sup> has sent a Considerable force to Subdue them, as for Letters & Comm<sup>rs</sup> from his Ma<sup>tie</sup>, unlesse well backed by a Good force will rather encourage the faction then the honest party, who are by all meanes kept under Hatches. I expect the french will attack piscataqua, & make them selves Masters of that place or Salem, if not Boston, wee being in no Condition to oppose them: pray give my poore wife a visit, I heare she has been long sick. Young Mather & Willard are high ag<sup>t</sup> the Old Church; they are very much divided."<sup>221</sup>

The petitions had their effect finally, and orders were given by King William that Andros, Randolph, and the others who were confined should be sent to England under safe custody by the first vessel that should sail.<sup>222</sup> An order

was

<sup>221</sup> *State Papers, Board of Trade, New England*, Vol. V. p. 107. From M<sup>r</sup> Randolph to Capt. Nicholson. Common Goal, July 29, '89, *post*.

<sup>222</sup> *State Papers, Colonial, Entry Book* 109, p. 246. Petition of Andros, Randolph, &c. to be sent to England, at a Committee of Trade and Plantations, 29 July, 1689, *post*. Also *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 711. Order of King William, 30 July, 1689, *post*.

Samuel Sewall says in his *Diary*, under date of 3 August, "Mr Ratcliff follows his business close."

On August 7, two addresses from the Governor, Council and Convention of the Massachusetts Colony, one dated May 20, the other June 6, were presented by Sir Henry Ashurst, Baronet, empowered for that purpose, to King William at Hampton Court, "which at his Majesty's Command he distinctly

read. After which His Majesty accepted them very graciously, and was pleased to expresse himselfe with great kindness to the said People, assuring Sir Henry, That he kindly accepted Their Tenders of Loyalty and Duty, and would take Them and their humble Requests into his particular care." The addresses to the King and Queen, which are similar in tone, speak of the joy experienced by the colonists at the heroic undertaking and achievement of liberating the people from Popery and Slavery, and expresse a hope "that we also according to our undoubted Right, may be again fixed and settled in a full Confirmation of our Charter Rights and Priviledges." *Massachusetts Historical Society Collections, Sixth Series*, Vol. I. p. 144. *Diary of Samuel Sewall*, Aug. 3. Mr. Mather presents his Respects, and says that Sir Henry Ashurst told him the Country had put as much

honour

was also sent a few days later, authorizing the magistrates "to continue, in our name, your care in the administration of the government and preservation of the peace, until we shall have taken such resolutions and given such directions for the more orderly settlement of the said government, as shall most conduce to our service, and the security and satisfaction of our subjects within that Colony."<sup>233</sup> Although  
Massachusetts

honour on him in sending the Address to him as if the Emperour had made him his Envoy. Aug. 7. When was at Mr. Whiteing's Mr. Lobb came in and spake of hot discourse in Council last Sabbath-day, about sending a Governour to N. E. Sir William Waller, to prevent others as he says, has petition'd to be Governour."

See *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 710, for the order recalling Andros from his government, and that "the severall Colonies of New England have their Charters restored to them."

<sup>233</sup> *State Papers, Colonial, Entry Book* 109, p. 247, 10 Aug. 1689:—

Various Addresses read, &c.

"At the Committee for Trade and Plantations At the Council Chamber at Whitehall, the 10<sup>th</sup> of August 1689. Present: Earl of Nottingham, Earl of Fauconberg, Earl of Monmouth, Mr Speaker

"An Address to His Ma<sup>y</sup> from the President and Councill of Safety at Boston in New England is Read with an Address from the Governor, Councill

nor, Councill

An Address from the Convention.

An Address from New Plymouth.

A L<sup>r</sup>e from Cap<sup>t</sup>. George.

and Convention of the Massachusetts Bay, And an Address from the Generall Court at New Plymouth, as also a L<sup>r</sup>e from Cap<sup>t</sup>. George Commander of Their Ma<sup>ties</sup>

Ship the Rose dated at Boston the 12<sup>th</sup> of June Last, Whereupon Their L<sup>ops</sup>

A Letter to be sent to New England.

Agree to Move His Ma<sup>y</sup> that a L<sup>r</sup>e from His Ma<sup>y</sup> may be sent to the Colony

of the Massachusetts Bay, signifying to them His Ma<sup>ties</sup> approbation of Their Readiness in Proclaiming Their Ma<sup>ties</sup> And Impowering them to Continue the Administration of the Government in Their Ma<sup>ties</sup> Name, and the Preservation of the Peace, Untill His Ma<sup>y</sup> shall have given direction for the more Orderly settlement of the Government."

*History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 390, note.

"William R. Trusty and well beloved, we greet you well. Whereas we are informed by several addresses from the colony of the Massachusetts bay, and particularly by the address coming to us in the name of the governor and council and convention of the representatives of the people of the said colony, that they had joyfully received the notice of our happy accession to the throne of these Kingdoms, and caused the proclamation thereof to be issued throughout the said territory: we have therefore thought fit hereby to signify our royal approbation of the same, and gracious acceptance of your readiness in performing that which was necessary, on your parts, for the preservation of the peace and quiet of our said colony. And whereas you give us to understand,



Massachusetts had recovered temporarily its self-government, the authorities in England were determined that the Acts of Trade should be enforced. Accordingly, the Commissioners of the Customs, acting upon the information received from Mr. Randolph, "that Liberty was now there taken to Violate the Act of Navigation as formerly," requested that orders to that effect should be forwarded, and "also that all Books and Papers of the said M<sup>r</sup> Randolph which have been taken from him may be sealed up and sent to one of his Ma<sup>ties</sup> Principal Sec<sup>rys</sup> of State, to be placed with the Comm<sup>rs</sup> here till some other person be appointed to goe and execute the said office of Collector, Surveyor and Searcher in those parts."<sup>284</sup>

Becoming

stand, that you have taken upon you the present care of the government, until you should receive our order therein; we do hereby authorize and empower you to continue, in our name, your care in the administration thereof and preservation of the peace, until we shall have taken such resolutions and given such directions for the more orderly settlement of the said government, as shall most conduce to our service, and the security and satisfaction of our subjects within that our colony. And so we bid you farewell. Given at our Court at Whitehall the 12th day of August, 1689, in the first year of our reign. By his Majesty's command,

*Shrewsbury.*

"Colony of Massachusetts."

See *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 710, for the Order of King William III. in relation to Sir Edmund Andros:—

"[1689 Prince.]

"Being informed that in the Territories of New England, their Charters have of late been taken from them, viz., in the years 1684 & since, and S<sup>r</sup>

Edmund Andros hath been sent thither with an illegal and arbitrary Commission, We have thought fit to recall the said S<sup>r</sup> Edmund Andros from the Government, & do hereby declare, That it is our pleasure, that the severall Colonys of New England have their Charters restored to them, And that the Governours and Magistrates which were by Charters in those Colonys in the years 1684, should immediately take the Government upon them, and proceed in Administrations of Government according to their former Constitutions."

<sup>284</sup> *State Papers, Board of Trade, New England*, Vol. V. p. 84. "Presentm<sup>t</sup> touching M<sup>r</sup> Randolph. Customs House, London, 23 August, 1689," *post*. Also *State Papers, Colonial, Entry Book* 109, p. 267. "Acts of Trade to be observed. At the Committee for Trade and Plantations at the Council-Chamber at Whitehall, Munday the 2<sup>d</sup> of September, 1689. Present: Lord President, Lord Privy Seal, Earl of Bath, Earl of Nottingham, Earl of Fauconberg, M<sup>r</sup> Speaker. A Presentment from the Commissioners of the Customs

Becoming impatient of his imprisonment, Randolph wrote a long letter on September 5th to the Committee of Trade, asking that troops be sent from England and describing the continued devastations by the Indians at the Eastward: "300 Christians Kil'd & taken Captives, the damage already done amounts to about 60000 sterl. The fishery & Lumber are quite destroyed, & all y<sup>e</sup> Great Mafts fitt for y<sup>e</sup> use of y<sup>e</sup> Royall Navy are in y<sup>e</sup> hands of french or Indians. These (My Lords) are but y<sup>e</sup> beginning of y<sup>e</sup> Defolation brought upon this Country by y<sup>e</sup> Tumultuous designs of an Anti-monarchical faction. These Calamities putt S<sup>r</sup> Edmu<sup>d</sup> Andros upon attempting his Liberty, on y<sup>e</sup> third of August last came to Newport on Road Island, intending to moderate & Compose y<sup>e</sup> minds of y<sup>e</sup> deluded people, but y<sup>e</sup> Councill at Boston sent their orders by sea & land to apprehend him, & by their Agitators stir'd up a Rabble at Road Island who treated him unhumanely & betrayed him to 2 Troopes of horse. His keeper at the Castle treates him as y<sup>e</sup> worst of Malefactors, not permitting his Doct<sup>r</sup> or Cooke to come to him to provide him necessaryes. At this distance I know not what Arguments may be used to restore to the severall Colonies their separate formes of Governm<sup>t</sup>. Butt from my 14 yeares experience in y<sup>e</sup> publick Transactions of y<sup>e</sup> whole plantation, I humbly propose it absolutely necessary for y<sup>e</sup> honour & Interest of y<sup>e</sup> Crown & for y<sup>e</sup> lasting well being of  
New

Customes to the Lords Commission<sup>rs</sup> of the Treasury dated the 23<sup>d</sup> of August last is read, Proposing that the People of New England may be Admonished to observe the Acts of Trade and Navigation, Whereupon Their Lop<sup>s</sup> desire that

the Commission<sup>rs</sup> of the Customs may be directed to prepare a Letter to be sent to New England from His Ma<sup>ty</sup> According to what is proposed in their Presentment."

New Eng<sup>d</sup> That 1500 or at least 1000 Good Souldiers be speedily sent heither to reduce this poeple to a firm dependance upon y<sup>e</sup> Crown & to regaine what is already lost; otherwise, not onely New England, but the neighboring Plantations of Maryland, Virginnia & Carolina will be in a short tyme over run & made a prey to the Incroaching French. I may not omitt to acquaint y<sup>r</sup> Lord<sup>sh</sup> that the Revolt of this poeple was pushed on by their agent M<sup>r</sup> Mather." <sup>236</sup>

Fearing

<sup>236</sup> *State Papers, Board of Trade, New England*, Vol. V. p. 94. "Mr. Radolph [Randolph] to the Committee," Sept. 5, 1689, *post*. Abstract is found in *Ibid.*, p. 446.

See Byfield's account of the late Revolution in New England, in *Andros Tracts*, Vol. I. p. 8, for the first attempt of Sir Edmund to escape, which was unsuccessful: "On Fryday last towards evening, Sir Edmund Andros did attempt to make his escape in Woman's Apparel, and pass'd two Guards, and was stopped at the third, being discovered by his shoes, not having changed them." His second attempt was successful. He escaped on August 2d, at eleven at night. See *Andros Tracts*, Vol. I. p. 175.

For an account of Andros's capture in Rhode Island see *Andros Tracts*, Vol. III. pp. 95 to 102; also *Massachusetts Archives*, Vol. CVII. p. 254.

See *Massachusetts Archives*, Vol. XXXV. p. 89, for the Narrative of the Imprisonment of Sir Edmund Andros and others:—

"Boston in New England. An Information of what entertainment S<sup>r</sup> Edmund Andros K<sup>t</sup> & y<sup>e</sup> rest of y<sup>e</sup> Gentlemen committed to our Charge here at y<sup>e</sup> Castle upon Castle Island from y<sup>e</sup> first to the Last of Their Aboad here.

"On y<sup>e</sup> Twentieth Day of Aprill, Anno 1689, M<sup>r</sup> J<sup>n</sup> Palmer M<sup>r</sup> James Graham, M<sup>r</sup> J<sup>n</sup> West & Cap<sup>t</sup> Th<sup>o</sup> Trefroy were committed Prisoners hither . . . roomes [were] warme & dry y<sup>e</sup> best we had in y<sup>e</sup> Castle . . . one of them nine foot broad & fourteen foot long, y<sup>e</sup> other seventeen foot & a halfe long & nine foot broad w<sup>th</sup> Chimneys in them . . . had Liberty to walke abroad upon y<sup>e</sup> Island . . . non of their ffrinds were prohibited coming to them. On y<sup>e</sup> 7<sup>th</sup> of June, 1689, S<sup>r</sup> Edm. Andros K<sup>t</sup> was Committed Prisoner hither Like-wise . . . wee gave him y<sup>e</sup> Choice of any room in y<sup>e</sup> Castle . . . he himselfe chose to be in y<sup>e</sup> same rooms w<sup>th</sup> y<sup>e</sup> aforefald Gentle<sup>m</sup> . . . M<sup>r</sup> J<sup>n</sup> West was ordered up to Boston Goal & in three dayes after Cap<sup>t</sup> Th<sup>o</sup> Trefroy was dismissed. . . . S<sup>r</sup> Edmund Andros K<sup>t</sup> had y<sup>e</sup> same Liberty y<sup>e</sup> aforefald Gentlemen had . . . & rather more Untill y<sup>e</sup> Second day of Augst. 1689 at w<sup>ch</sup> time about Eleven of y<sup>e</sup> Clocke in y<sup>e</sup> night S<sup>r</sup> Edm<sup>d</sup>. Andros K<sup>t</sup> made his escape, chiefly by y<sup>e</sup> Trechery of one of our Corporalls & by our Confidence we had in S<sup>r</sup> Edm<sup>d</sup> fidelity, & was wanting Eight dayes, & then was Committed into Our Custody againe & put into y<sup>e</sup> same roome . . . but had not the same Liberty, he being Confined to his roome & y<sup>e</sup> Liberty of y<sup>e</sup> Yard, except he would accept of a Guard of Two Musketeires

Fearing that his letter of the 5th of September might not reach its destination, Randolph wrote to the Committee on October 15th repeating much of what he had already said: "Here is no regard had to y<sup>e</sup> Acts of Trade or Lawes ag<sup>t</sup> pyrates. Force is the Onely Argument to Convince and oblige them to a dutyfull & entire submiffion to y<sup>e</sup> Crowne & the Lawes of England. Some are desirous to have S<sup>r</sup> Edmund Andros & others at liberty & to manage the Gom<sup>t</sup> as formerly, at least untill their Ma<sup>ties</sup> please to signify their Commands to him. The plaine truth is (what ever their Agents may pretend to gaine favour at Court) they hold fast the Antimonarchical principle spred amongst them by S<sup>r</sup> Henry Vane, Hugh Peters etc, & Venner, who made the Infurrection in London after the restauration, had his education here also. They have at last got together a body of 7 or 800 men English & Indians to secure the Eastern parts but have neither discipline nor officers who know how to command." <sup>236</sup>

The

Muskateires to wayte upon him w<sup>th</sup> whome he might have had y<sup>e</sup> Liberty of walking y<sup>e</sup> Island as before, w<sup>h</sup> he would not accept of, & likewise had y<sup>e</sup> Liberty of his friiends as before for y<sup>e</sup> most part. This is a true Narrative of all Our Proceedings w<sup>th</sup> y<sup>e</sup> aforesaid Gentlemen within Our Custody, as we can attest upon Oath, if occasion be

John ffayerweather, Nath<sup>l</sup> Williams.  
"Memorand to y<sup>t</sup> one of y<sup>e</sup> aforementioned Chimneyes was not built till towards winter.

"Boston January 24<sup>th</sup> 1689  
"Sworne by the Subscribers Cap<sup>t</sup>  
John ffayerweather & L<sup>t</sup> Nathaniell  
Williams. Before Th<sup>o</sup> Danforth  
Dep<sup>y</sup> Gov<sup>r</sup>."

<sup>236</sup> *State Papers, Board of Trade, New England*, Vol. V. p. 96. Mr. Randolph to the Committee, 15 October, 1689, *post*. An abstract is also found in *Ibid.*, p. 446.

On October 5th Mrs. Palmer petitioned that her husband might be removed from the Castle to his own house, as he suffered from gout and other infirmities, and there was no way of warming the room in which he was confined. Two days after, an order was past to erect a small brick chimney in his room. See *Massachusetts Archives*, Vol. XXXV. p. 42.

Samuel Sewall notes in his *Diary*, 21 October, 1689: "Is a rumour in Town that Sir Edmund is to come Govenour of

The many letters written during his imprisonment with the object of preventing the restoration of Charter privileges were prepared so as to influence the person to whom each letter was addressed. To the Lord Privy Seal, Mr. Povey, and Mr. Blathwayt he dwelt upon the fact that the colonists were determined to be independent of the Crown, as was shown by their still not allowing Captain George to have the sails of his frigate, although ordered to deliver them by the home government; to the Committee of Trade he stated repeatedly that the Acts of Navigation were violated, and would be violated, if the Charter should be restored, to the detriment of the revenues of the Crown and of the merchants in England; to the Archbishop of Canterbury and the Bishop of London he repeated that the officers of the Andros government were imprisoned merely because they were members of the Church of England, and that Rev. Increase Mather, the agent of the Colony in England, was such a radical dissenter that he had published works condemning worship according to the Anglican Church as idolatrous. Besides there was, he said, a growing reaction in favor of Sir Edmund, especially in Connecticut, while in Massachusetts Bradstreet and his officers "know not how to keep their People in Quiet much longer finding no Charter come as was promised. Some are for letting us out, others fear the People will putt them in who were the occasions of this trouble. Sir Edmund is kept in a low damp Roome, is very much disordered and will not be able to bear the cold of

of New York, and Col. Slater our Gov- said were drinking Sir Edmund's Health  
 enour. Tories are flushed, and 'tis last night at Neh. Peirce's."

of the winter. I see no remedy, tho' some have desired he may be removed to Boston and have Offered 20000<sup>li</sup> security for his forthcoming. An interloper from Scotland, who pretends he cleared at Whitehaven, relates that the New England Charter was passed and in possession of M<sup>r</sup> Mather &c. The Government here rejoice exceedingly upon this Report, talk of nothing now but trying and Executing the Governor, Myself &c.<sup>237</sup> I may not omit to inclose to y<sup>r</sup> Lord<sup>sh</sup> a Sermon preached & published by young M<sup>r</sup> Mather, discovered to be y<sup>e</sup> Abettor (if not y<sup>e</sup> Author) of a scandalous libell dispersed 3 months before the Revolt, which prevented his being proceeded against for that & y<sup>e</sup> booke ag<sup>t</sup> the Common prayer (at least for causing it to be printed) the Court following. This man (but more openly) with M<sup>r</sup> Morton & others of that Gang are very active in promoting the practice as well as y<sup>e</sup> Antimonarchicall principles, & will oppose all Commands from their Ma<sup>ties</sup> which will not serve their Interest (but by them called the Interest of Jesus Christ). This people have quite unmasked themselves & discovered the whole intregue of their Christian policy: that they are in plain English an hypocriticall wicked & By-gothed [bigoted] poeple, following their ministers with a most zealous & implicate faith. No man of y<sup>e</sup> Church of Eng<sup>d</sup> or of any other perswasion in matters of Religion different from theirs of the Congregationall way can be safe."<sup>238</sup> In the same letter he  
asks

<sup>237</sup> *State Papers, Board of Trade, New England*, Vol. V. p. 448. Abstract of Mr. Randolph's letters to Mr. Povey, 8th, and to Mr. Blathwayt, 25th October, *post*.

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<sup>238</sup> *State Papers, Board of Trade, New England*, Vol. V. p. 119. Mr. Randolph to the Bishop of London. "From y<sup>e</sup> Common Goal in New Algiers, Oct. 25, '89," *post*.

asks as a favor that an enclosed paper, evidently prepared by him, may be printed in England by authority of government, and copies distributed in New England. This is undoubtedly the "Answer to the Boston Declaration," which is in Randolph's handwriting and signed "C. D." On the front sheet is written, "The printing of this paper will more justifye us then if I should trouble their Lordsh<sup>ps</sup> with many letters. E. R."<sup>230</sup> The initials C. D. were probably selected because the "Account of the late Revolutions in New England," printed in June, justifying the revolt and stating that the leaders had prepared themselves for the occasion was signed "A. B."

On the following day he wrote again to the Bishop of London in great indignation, denouncing the action of the Rev. Mr. Moody, who advised the widow of Major Howard not to permit her husband to be buried in the ground adjoining the new church according to the service of the Church of England, and "had a grave made for him at y<sup>e</sup> North Church Buriing place and sent word to the Executors that

<sup>230</sup> *State Papers, Board of Trade, New England*, Vol. V. p. 276, *post*.

Printed in *Andros Tracts* are many pamphlets and documents relating to the period. In his letter of 25 October to the Bishop of London Randolph says: "I humbly inclose to y<sup>r</sup> Lordsh<sup>ps</sup> some papers which are well liked of by the moderate people," but they were not sent until the next day in his letter of the 26th, in which he says, "The inclosed are y<sup>e</sup> printed papers mentioned in mine of yesterday to your Lordship." These were probably the "Considerations offered to the Parliament shewing

that those Charters relating to the Plantations were taken away upon quite different reasons from those in England," etc., in *State Papers, Board of Trade, New England*, Vol. V. p. 247, *post*, and the "Abstract of the Proceedings of King Charles the First against the Massachusetts," in *Ibid.*, p. 334, *post*.

Parliament had been prorogued on the 27th of January, before the receipt of the papers.

See *History of England*, by T. B. Macaulay, ed. 1861, Vol. III. p. 398, for an account of the bill to restore the Charters.

that he would have men enough ready in the street to shew them the place of his buriall, & accordingly he was buried as Moode had directed: Thus Imperious are the Godly poeple of N. England grown already, who will take upon them to dispose of the dead as well as they do of the living. I humbly observe, that they keep to their form of words in their printed Declaration, 'what Justice shall be ordred from Our Soverain Lord & Lady K: William & Q: Mary with y<sup>e</sup> parlm<sup>t</sup> of Eng<sup>d</sup>,' intending thereby that they will not admitt of & acquiesce in their Ma<sup>ties</sup> Orders unlesse they find also the assent of y<sup>e</sup> Parlm<sup>t</sup> which is not to be imputed to their Ignorance, but intended for a plain Evasion unlesse such orders favour their late proceedings."<sup>240</sup> Two days later, he speaks of the barbarous treatment to which Governor Andros is exposed: "Unlesse he bee speedily removed the Cold will kill him: his keeper's Name is Capt ffaireweather, a very strict zelott & Church member. His villany is not to be forgott. I thanke God I have gott me a little place in the Common Goal; but am in danger to be stunk up by the Goal being filled up with poor prisoners, especially wounded men who rott & perish for want of one to dresse their wounds: from the mercyes of such cruell men Good lord deliver us. Pray present the inclosed papers to such of your freinds as you think will read them."<sup>241</sup>

The King's order for sending Andros, Randolph, and the others

<sup>240</sup> *State Papers, Board of Trade, New England*, Vol. V. p. 121. Letter from Mr. Randolph to the Bishop of London, 26 Oct. 1689. *post.* to Mr. Chaplain, 28 Oct. 1689, *post.* Sir Edmund had been accused while at the eastward of neglecting the sick and wounded foldiers.

<sup>241</sup> *Ibid.*, p. 123. From Mr. Randolph



others to England was received in November,<sup>242</sup> but it was not until December that the Representatives voted that, in obedience to his Majesty's commands, the prisoners "now in custody be all sent to England by the first ship."<sup>243</sup> Learning from friends that he was to return to England, Randolph wrote a letter to Dr. Cook, thanking him "for treating Sir Edmund Andros like a gentleman when you were last at the Castle. If you please to call on me as you come this way and taste a glasse of cyder you shall be welcome: 'twill be a favour to me and the rest of the gentlemen with me if the poor wounded man should be removed into some other warm place and be not suffered to perish; 'twill be an aggravating circumstance of our imprisonment."<sup>244</sup> Notwithstanding his confinement, Randolph managed to obtain information as to the vessels arriving in Boston contrary to the Acts of Trade, and sent warnings to the Governors of the different Plantations that they might be seized. "This people will have noe supplies from England, finding the profit of  
of

<sup>242</sup> *Massachusetts Archives*, Vol. XXXV. p. 83, November 11, 1689. In "The present state of New English affairs published to prevent False Reports" is an extract of a letter from Mr. Mather, who writes: "On July 4 the King said unto me *That He did kindly accept of what was done in Boston, and that his subjects in New England should have their Ancient Rights and Privileges Restored and Confirmed unto them.* Besides there is now arrived an Order from his Majesty dated July 30, requiring that Andros, Randolph, and others be sent to England."

<sup>243</sup> *Massachusetts Archives*, Vol. XXXV. p. 108. "In obedience to his

Majesties Commands, voted by the Representatives, that S<sup>r</sup> Edmund Andros, M<sup>r</sup> Joseph Dudley, M<sup>r</sup> Edward Randolph, M<sup>r</sup> John Palmer, M<sup>r</sup> Jno. West, M<sup>r</sup> James Graham, M<sup>r</sup> James Sherlock & M<sup>r</sup> George Starwell, being now in Custody, be all sent to England by the first ship. 10<sup>th</sup> of December 1689. Ebenezer Prout, Clerk."

<sup>244</sup> *Hutchinson's Collection of Papers*, Prince Society, Vol. II. p. 318. Mr. Randolph to Dr. Cook, 25 Nov., *post*.

On December 9th, Dudley petitioned to be released on bail, being indisposed and his estate much injured "by the loss of servants and otherwise." *Massachusetts Archives*, Vol. XXXV. p. 108.

of trading against law in a Country where they are favoured by y<sup>e</sup> Govern<sup>t</sup>: in a little time this place as formerly will become a ffree port, till the people are by a force convinced of y<sup>r</sup> error & the whole country brought to an intire dependance upon y<sup>e</sup> Crowne. His Mātys Gracious letter of y<sup>e</sup> 30 of July, requiring that S<sup>r</sup> Edmund Andros, myselfe, & oy<sup>er</sup> be sent upon the first ship to Eng<sup>t</sup> &c. was delivered to M<sup>r</sup> Broadstreet the 24<sup>th</sup> Novemb<sup>r</sup> but as yet they have given us no notice of it, nor will they permitt us our liberty to goe out of goale to pvide necessaries for our voyage, neither have they determined what ship to put us aboard.”<sup>245</sup>

The same day this letter was written, the prisoners were notified officially that they were to be sent to England. Two vessels being then in port, they requested to be despatched in one of them, and asked permission to be released on bail that they might make their necessary preparations for the voyage.<sup>246</sup> Randolph also demanded that his private and official papers, including those connected with his office of Secretary of the Province of New York, should be delivered to him, as they would be required “at the Councill Chamber, Whitehall, to answer such matters as shall there be objected against me.”<sup>247</sup> Not receiving an answer to their

<sup>245</sup> *State Papers, Board of Trade, New England*, Vol. V. p. 148. “To the Com<sup>rs</sup> of the Customes by way of Bilbao. Common Goale, Dec. 12<sup>th</sup>, 1689,” *post*.

<sup>246</sup> *Massachusetts Archives*, Vol. XXXV. p. 112. Sir Edmund Andros writes, Dec. 13, to Capt. John Fayerweather that there are two ships in the harbor of Boston to sail shortly for England, and requests, therefore, that he

and the others confined should be sent to England in one of them.

See *Ibid.*, p. 110, same date, for the “Request of Dudley, Randolph and others to know on what vessel they are to be sent to England,” *post*.

<sup>247</sup> *State Papers, Board of Trade, New England*, Vol. V. p. 152. Mr. Randolph’s demand of his papers. 13 Dec. 1689, *post*.

The Records belonging to New York were

their request the prisoners again, after an interval of about two weeks, asked to be sent forthwith to England, but of this second demand no notice was taken.<sup>248</sup> At this time, Randolph sent to Major Brockholst, then in New York, a letter intercepted by Leisler, in which he speaks slightly of the New York leader: "Leisler and his partners make true the proverb, sett beggars on horseback, and they will ride to y<sup>e</sup> Divell. Our people are much concerned to know what to do with us; they know if they send us home and have nothing to charge upon us, 'twill not sound well on their side. They meet in 2 or 3 days, they adjourn, and do nothing as they ought; they are at their old trade of wheedling at home and delaying us here in hopes to gett their Charter; expecting y<sup>e</sup> all gent<sup>l</sup> even the Lords of y<sup>e</sup> Councill who have formerly been for vacating their Charter shall be putt out of their places."<sup>249</sup> In his letter of January 10th, he accuses the authorities of Massachusetts of deceiving the people by leaving out the word "forthwith" in their printed copy of the King's order, so as to make the people believe that they could choose their own time in dispatching the prisoners to England, and also of adding a "feigned title & Counterfeit

were restored to that Province the next year. *New York Colonial Documents*, Vol. III. p. 710. At a meeting of the Committee of Trade and Plantations, 17 April, 1690, "Their Lordships being informed that the Records belonging to New York had been removed to Boston agree to move His Majesty that orders be given for delivering them to Col. Sloughter," the newly appointed Governor, which was done 30 April. Robert Livingston addressed Andros at

Whitehall as Governor of the Dominion of New England as late as 14 April, 1690. *Ibid.*, p. 710.

<sup>248</sup> *Massachusetts Archives*, Vol. XXXV. p. 149. Letter from Governor Andros and others relative to their being sent to England. 26 Dec. 1689, *post*.

<sup>249</sup> *New York Colonial Documents*, Vol. III. p. 664. Edward Randolph to Major Brockholes, 28 Dec. 1689, *post*.

Counterfeit Cypher of a Seal ” to the King’s letter of August 12th, by which they imposed upon the colonists and raised taxes to the amount of £10,000. “ They have held a Court of Assistants & Condemned a Malefactor upon breach of One of their Capitall Lawes, who was lately executed to frighten the people unto an intire submission to their Gom<sup>t</sup>. An Embargo was laid on all ships bound for Europe; ’tis said the Councill & Representatives have drawn up an Adresse, humbly praying his Ma<sup>tie</sup> to grant them a Charter, & that they intend to send it by a vessell privately to be dispatched from hence before they putt S<sup>r</sup> Edm<sup>d</sup> or any of us aboard. I find by many printed papers sent heither by M<sup>r</sup> Mather That great solicitations have been made by him & his friends both to his Ma<sup>ty</sup>, to some of your Lord<sup>shps</sup> & to y<sup>e</sup> House of Commons to obtaine a charter, as if it were a Nationall concern. I humbly intreat y<sup>r</sup> Lord<sup>shps</sup> to believe that its highly necessary for his Ma<sup>ties</sup> service that affaire were delaied untill the arrivall of S<sup>r</sup> Edm<sup>d</sup> Andros, myselfe & others, to give his Ma<sup>tie</sup> and y<sup>r</sup> Lord<sup>shps</sup> an account of y<sup>e</sup> Miserable & distressed Condition of this whole Territory, made so by y<sup>e</sup> Arbitrary Managem<sup>t</sup> of a factious & bygothed [bigoted] Party onely; and in the meane tyme, I humbly offer it as a matter of great import, to consider & examine how y<sup>e</sup> first planters of this Colony became possessed of the Charter granted to S<sup>r</sup> Henry Roswell & others in y<sup>e</sup> yeare 1628; of which neither in England nor in this Country hath one step ever appeared. Besides ’its plain both by y<sup>e</sup> Charter it selfe & also by y<sup>e</sup> Doquitt [Docket] thereof (which I long since transcribed out of y<sup>e</sup> Records of the Pryvie Seal Office) that the Charter of y<sup>e</sup> Massachusetts Bay

Bay in N. Eng<sup>d</sup> (as thofe of y<sup>e</sup> Eaſt India & Royall Affrican Companies) is to be managed in Eng<sup>d</sup> onely.”<sup>250</sup>

The report heard by Randolph proved to be correct. On the 24th of January agents were appointed by the Colony for “the obtaining a full Confirmation of Our ancient Charter Rights and Priviledges,”<sup>251</sup> and inſtructions were given them the ſame day.<sup>252</sup> In the mean time evidence had been

<sup>250</sup> *State Papers, Board of Trade, New England*, Vol. V. p. 158. From Mr. Randolph to the Committee. Common Goal, Jan. 10, 1689 [90], *poſt*.

The addreſs referred to by Randolph is called “Petition of ſeveral of the Inhabitants of New England to the Commons for confirmation of Charter.” See *Maſſachuſetts Archives*, Vol. CCXLII. p. 369.

<sup>251</sup> *State Papers, Colonial, Entry Book 62*, p. 209, 24 Jan. 1688.

“Credentiall to the Agents of the Maſſachuſetts Bay.

“The Governor and Council and Representatives of the Colony of y<sup>e</sup> Maſſachuſetts Bay convened in Generall Court at Boſton. To all unto whom theſe preſents ſhall come Greeting.

“Know Ye that by the Act of this Court We have Nominated and Appointed, and by theſe preſents do fully Impower and Authoriſe our Honour'd and Truſty Friends, S<sup>r</sup> Henry Aſhurſt Kn<sup>t</sup> and Barr<sup>r</sup> Eliſha Cooke Eſq<sup>r</sup> M<sup>r</sup> Encreaſe Mather and M<sup>r</sup> Thomas Oakes, to be our Agents in England or ſo many of them as ſhall be reſident there, to waite upon Their Ma<sup>ty</sup> for the Negotiation and Management of the publick Affaires of this Colony in the obtaining a full Confirmation of Our ancient Charter Rights and Priviledges. And to Endeavour the ſame by all due and Lawfull waies and Meanes. And for what elſe may concerne us there, refer-

ring to the Particulars now to be Sent into England in Obſervance of His Ma<sup>ty</sup> Comands and our Defence againſt any that ſhall Miſrepreſent Us on Account of the late Revolution, or in any thing tranſacted by the Perſons ſuſtaining the Government ſince that time. Hereby Ratifieing & Confirming what our ſaid Agents, or ſo many of them as ſhall be there reſident, ſhall lawfully act and Do, by virtue of this Power according to ſuch Inſtructions as they ſhall Receive from the Gov<sup>r</sup> and Council with the Representative Body of this People. In Teſtimony whereof, We have Order'd the Common Seale of the ſaid Maſſachuſetts Colony to be hereunto Affixed. Dated the 24<sup>th</sup> day of January Anno Dom<sup>i</sup>: 1689. And in the Firſt yeare of Their Ma<sup>ty</sup> Reigne.

Simon Bradſtreet.

“By Order Iſ<sup>t</sup> Addington Sec<sup>ry</sup>”

<sup>252</sup> *Maſſachuſetts Archives*, Vol. CCXLII. p. 397. Inſtructions for the agents for the Colony of the Maſſachuſetts Bay in New England, 24 January, 1689-90. Among other things the agents were to ſay that the war with the Indians was probably due to the injury done to M. de St. Caſtine; that circumſtances concurred to ſtrengthen their fears that Sir Edmund intended to hold New England for King James. “You are to ſolicite that the Liberty of Coynage may be allowed us. You are to ſolicite in Parliament and elſewhere for our

been gathered to use against the prisoners in England, while friends of the accused exerted themselves to prepare a petition in favor of Sir Edmund.<sup>263</sup> Finally, on the 9th of February, after a tedious imprisonment of nearly ten months, the prisoners sailed for England,<sup>264</sup> arriving, after a very short passage, at the latter part of the month,<sup>265</sup> but it was not

our ancient rights, and for such privileges as may be of further benefit."

<sup>263</sup> *Massachusetts Archives*, Vol. XXV. p. 183. Complaint of Lynn against Sir Edmund Andros, sworn by Oliver Purchase before Tho. Danforth, Deputy Governor, 24 Jan. 1689-90, in which is mentioned Randolph's attempt to obtain possession of Nahant, first by his own petition and then through a Mary Duffin of Boston, causing a great loss of time and money, by repeated journeys to Boston; besides the impressment of our sons to serve in the east.

Also *Ibid.*, Vol. CCXLII. p. 371. Certificates of the Inhabitants of Ipswich as to the outrageous proceedings of Governor Andros.

Also *Ibid.*, Vol. XXXV. p. 188. Testimony to the maladministration of Sir Edmund Andros by some of his Council, which states that the Governor took the advice of a few only of the Council, strangers in the country, who had "hopes to make unreasonable Profit of this poor People"; there never was any fair way of counting the votes so that "in effect Four or Five persons gave Law to the whole Territory," etc. Signed by William Stoughton, Tho. Hinckley, Wait Winthrop, Barth. Gedney, Saml Shrimpton. 27 January, 1689-90. See also affidavits of Rev. Jeremiah Shepard and Lieut. John Burrill, 3 February, in regard to the lands at Nahant in *History of Lynn*, by Alonzo Lewis, p. 138.

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In *Massachusetts Archives*, Vol. XXXV. p. 184, is found a petition in favor of Sir Edmund, signed by fifteen inhabitants of Maine.

<sup>264</sup> *Massachusetts Archives*, Vol. XXXV. p. 230. The prisoners were delivered by Capt. Fayerweather into the custody of Capt. Gilbert Bant, commander of the ship Mehetabel, on February 9th, upon an order signed by Governor Bradstreet in the name of the General Court. In his receipt, Capt. Bant enumerates the names of the prisoners confided to him, "S<sup>r</sup> Edmund Andros Kn<sup>t</sup>, Joseph Dudley Esq<sup>r</sup>, m<sup>r</sup> Edward Randolph, m<sup>r</sup> John Palmer, m<sup>r</sup> John West, m<sup>r</sup> James Graham, m<sup>r</sup> James Sherlock and m<sup>r</sup> George Farewell, as also a letter from the Government directed to the Right Hon<sup>ble</sup> the Earle of Nottingham, one of his Ma<sup>ties</sup> most Hon<sup>ble</sup> Privy Councill and Principall Secretary of State."

<sup>265</sup> *State Papers, Colonial, Entry Book* 109. p. 316, 25 Feb. 1688.

"Depredations by Indians, &c.

"At the Committee for Trade & Plantations At the Councill-Chamber at Whitehall Tuesday the 25<sup>th</sup> of February 1689.

"Present: L<sup>d</sup> President, L<sup>d</sup> Steward, Earl of Pembroke, Earl of Nottingham, Earl of Fauconberg, Earl of Monmouth, L<sup>d</sup> Bp of London, M<sup>r</sup> Vice Chamberlain, S<sup>r</sup> Henry Capell, S<sup>r</sup> Henry Goodrick, M<sup>r</sup> Hampden.

"S<sup>r</sup> Henry Ashurst, M<sup>r</sup>. Usher, M<sup>r</sup> Johnson

not until the 10th of April that they were called before the Committee for Trade and Plantations. The agents of New England

Johnfon and M<sup>r</sup> Brinley with y<sup>e</sup> Merch<sup>ts</sup>,  
New England. Traders, and Inhabitants

of New England attending, are call'd in and y<sup>e</sup> Petiōn of M<sup>r</sup> Johnfon and M<sup>r</sup> Brinley and Sevrall Merchants, Traders and Inhabitants of New England referr'd to y<sup>e</sup> Committee by order of Councill, of the 13<sup>th</sup> Instant, read, After which S<sup>t</sup> Henry Ashurst presents two L<sup>res</sup> Directed to the Earl of Shrewsbury, dated the 26<sup>th</sup> and 30<sup>th</sup> of October last, from M<sup>r</sup> Simon Broadstreet & others who are in the present Administration of y<sup>e</sup> Government of y<sup>e</sup> Massachusetts Bay, Acquainting Their Lōps, that they are labouring under Extraord<sup>y</sup> Arduous Circumstances, by the distress of A War with the Indians, who being Animated by the french, continue their Hostility and Encrease their Numbers, which had necessitated the Levying of Soldiers for the Security and defence of Their Ma<sup>ty</sup> Subjects ag<sup>t</sup> the Incursions of the Enemy. That the Indians had made great Spoil and depredations in the Provinces of Maine and New Hampshire and some within the Colony of the Massachusetts Bay, That A Considerable Force was abroad against them, by the Joint Concurrence of the Three Colonies, But that y<sup>e</sup> disadvantage of the Woods and many Rivers in those Parts, Render it difficult to come to or do any great Execution upon them, And that the Charge of the War hath hitherto been maintained by the disbursement of Particular Persons, that there was no publick Treasure to be found upon the Revolution, and that the Publick Stores of Ammunition were very Inconsiderable, that nothing since had been raid there, but what had been advanced by way of Loan, to Carry on

the publick Charges of the War. That they cannot Account themselves altogether secure from an Attack by the french, who they are informed have Considerable Strength in the West Indies. But that they shall Endeav<sup>r</sup> to defend and pserve Their Ma<sup>ties</sup> Interest as well against the french as other Enemies of the Crown of England, That the people of Albany, had desired an Assistance of Men to strengthen that Garrison, fearing an Attack by the french, But that Considerable Numbers of Men having Already been drawn out against the Indians, supplies could not well be sent to them from Boston, but that a Company was Raising in the Colony of Connecticut and the Towns in those Parts, to be sent to Albany to their Relief, which they hope will be Speedily Effected, the sever<sup>al</sup> Govern<sup>rs</sup> of their Ma<sup>ties</sup> Colonies there, holding themselves concern'd in the preservation of Their Ma<sup>ties</sup> interest in those Parts, all w<sup>ch</sup> they Humbly Pray may be represented to His Ma<sup>ty</sup>.

"After w<sup>ch</sup> two L<sup>res</sup> from M<sup>r</sup> Randolph to the Committee, dated at Boston, the 5<sup>th</sup> of September, and the 15<sup>th</sup> of October last, are read, informing Their Lōps that the Indians had overrun y<sup>e</sup> greatest Part of y<sup>e</sup> Eastern Country of New England, from S<sup>t</sup> Croix, to Piscataqua River, Ab<sup>t</sup> 200 Miles upon y<sup>e</sup> Sea Coast, and had taken the Town and Fort of Pemaquid, the Place of most Importance in all those Parts, together with New Harbour. New Town, Dartmouth, the Strong fort there, the Fort upon the pafs of Damaras, Cotter River, the fort of Tueset at the River of Kenneboke, the fort at Pojepnot, the Towns of Sagadahock, North Yarmouth, Richmonds Island, and Saco, the Towns of Dover, Cacheeka and y<sup>e</sup> Fort

England appearing at the same time, they were ordered to prepare their charges to be presented on the 17th, a copy of which was to be given to the accused.<sup>266</sup> Accordingly on the

Fort at Oyfter River, and had burnt and destroyed y<sup>e</sup> Houses, Corn, and Cattle and had kill'd and taken Captive above 300 Christians, and had fallen upon Haverill, w<sup>thin</sup> Thirty Miles of Boston; that the fishery, and Lumber, being the Chief Commodities in those Parts, are quite destroyed, the french taking their fishing Vessells off Cape Sables, That the damage already done to Their Ma<sup>ties</sup> Subjects in those parts, Ammounts to Above Sixty Thousand Pounds sterl and that y<sup>e</sup> Place from whence the great Mafts were brought for the use of Their Ma<sup>ties</sup> Navy here, is now seiz'd into y<sup>e</sup> Hands of the french and y<sup>e</sup> Indians, who before y<sup>e</sup> Imprisoning of y<sup>e</sup> Gov<sup>t</sup> at Boston, had been brought to such Extremity, that they were ready to submit, but Have Since that, greatly Encreased their Numbers, sev<sup>all</sup> Nations of Indians who before declined to Assist them, being now Joyn'd to them, that the Inhabitants of Cape Cod lying on y<sup>e</sup> West side of the Massachusetts Bay, were also Apprehensive of the Indians in that Part of the Country, That y<sup>e</sup> People in that Colony began Openly to disown the power of the Govern<sup>t</sup> there and refused to Pay Rates and Taxes even for Maintenance of the Poor, and that the Acts of Trade & Naviga<sup>ti</sup>on were daily Violated, whilst Their Ma<sup>ties</sup> frigat the Rose was not pmitted to go Out of the Harbour to secure the Coast from Privateers and Irregular Traders.

"After which Thomas Osley & Thomas Fairweather lately come from New England, being Ask'd by their Lōps concerning these Matters, they say that befor their coming Away the

News came to Boston that Panaquid and Cachecha were taken by the Indians, and the Inhabitants were all Cutt off, w<sup>th</sup> Informa<sup>ti</sup>ons are Confirm'd by A Letter from M<sup>r</sup>. Cooper, dated in Boston y<sup>e</sup> 25 O<sup>c</sup>t<sup>o</sup>ber, to M<sup>r</sup>. Ellis A Merchant in London, and Severall other L<sup>et</sup>res from those Parts, which are now Read, Whereupon their Lōps agree to Represent to His Ma<sup>ty</sup> the whole Matter Shewing the present state of that Colony in Relation to y<sup>e</sup> french and Indians, and the unsettled Condi<sup>ti</sup>on of Govern<sup>t</sup> they are in.

"Mem<sup>du</sup> Their Lōps being Afterwards Inform'd that S<sup>t</sup>. Edmond Andros and others latly Imprisoned in New England were arrived from thence

"Their Lōps taking into considera<sup>ti</sup>on the present War in the West Indies, Desire My Lord President to Move His Ma<sup>ty</sup> to grant a Generall Pardon to all such Pirats and Privateers, as shall Render themselves to any of the Govern<sup>ts</sup> in His Ma<sup>ties</sup> Planta<sup>ti</sup>ons in America, within a Certain time.

"Mem<sup>da</sup> His Ma<sup>ty</sup> being Accordingly moved herein the 27<sup>th</sup> Instant no Order was given therein."

<sup>266</sup> *State Papers, Colonial, Entry Book 109, p. 321, April 10, 1690.*

"Agents to prepare charges, & a day appointed for hearing both sides.

"At the Committee for Trade and Planta<sup>ti</sup>ons At the Councill Chamber at Whitehall Thursday the 10 of Aprill 1690.

"Present: L<sup>d</sup> President, E. of Shrewsbury, E. of Nottingham, E. of Fauconberg,



the appointed day the eight prisoners and their accusers came to Whitehall, when Mr. Humphreys delivered a paper to Mr. Blathwayt, which, being unsigned, was not read, and the agents alleging that they had nothing to object against Sir Edmund, Randolph and the others, "their Lordships agree to offer their Opinion to His Ma<sup>y</sup> that the Persons lately Imprisoned in New England and now attending his Ma<sup>y</sup> be forthwith discharged and sett at Liberty."<sup>267</sup> On the

24th

conberg, E. of Monmouth, L<sup>d</sup> Br of London, M<sup>r</sup> Comptoller [sic], S<sup>r</sup> Henry Capell, M<sup>r</sup> of y<sup>e</sup> Rolles, M<sup>r</sup> Boscowen. "S<sup>r</sup> Edm<sup>d</sup> Andros, M<sup>r</sup> Joseph Dudley, New England. M<sup>r</sup> Randolph, M<sup>r</sup> West, M<sup>r</sup> Grayham, M<sup>r</sup> Palmer, and others lately Imprisoned in New England, And come into England in pursuance of His Ma<sup>y</sup>'s L<sup>e</sup> dated y<sup>e</sup> 30<sup>th</sup> of July last, Attending, as also S<sup>r</sup> Henry Ahurst, M<sup>r</sup> Elisha Cook, M<sup>r</sup> Encrease Mather and Thomas Oake Agents (as they Acquaint their L<sup>öps</sup>) for New England, are call'd in, and the New England Agents being askt what they have to say Ag<sup>t</sup> S<sup>r</sup> Edmond Andros and the rest of y<sup>e</sup> Gentlemen lately Imprisoned in New England, They desire time to prepare their Charge Ag<sup>t</sup> them, Whereupon their L<sup>öps</sup> Appo<sup>t</sup> Thursday y<sup>e</sup> 17<sup>th</sup> Instant to hear both Parties & in y<sup>e</sup> mean time the New England Agents are Ord<sup>d</sup> to bring in their Charge, together w<sup>th</sup> their Powers or Credentialls from the Colony of the Massachusetts Bay, On Munday the 14<sup>th</sup> Instant, And the Other Party is to have A Copy of the Charge which shall be brought in Against them."

<sup>267</sup> See *Andros Tracts*, Vol. II. p. 176, for the paper prepared by Mr. Humphreys, dated 14 April, stating that Sir Edmund tried to uphold the authority of King James in New England, that he

"without colour of legall authority made Lawes destructive of the liberty of the people, and that all the other Persons Imprisoned were Accomplices and Confederates with S<sup>r</sup> Edmund Andros, and particularly M<sup>r</sup> Dudley, M<sup>r</sup> Randolph and M<sup>r</sup> Palmer, who were of his Councill and joined with him in his Arbitrary Lawes and Impositions."

This paper, based on the evidence collected by the Committee appointed in December, 1689, consisting of Thomas Danforth, Wait Winthrop, John Richards, Elisha Cooke, Thomas Broughton, Joseph Lynde and Christopher Webb, is a long document with divisions and subdivisions, called "Substance of Depositions." *Massachusetts Archives*, Vol. XXXV. p. 250. In division A Sir Edmund is accused, among other things, of "calling the people of the Countrey Jacks and Toms, speaking y<sup>e</sup> he & his Crew had the Immediate dispose of our fortunes. Esq<sup>r</sup> Randolph in his L<sup>e</sup> to mr Jno. Povey, da: Aug. 25. 1687 there Complains that Jno. West his Dep<sup>y</sup> (who by y<sup>e</sup> exceeding imptunity of S<sup>r</sup> Edm<sup>d</sup> Andros hired y<sup>e</sup> place of him) took w<sup>t</sup> fees he pleased to demand and thereby would make his place worth £1000 a yeare; ab<sup>t</sup> the great expence Randolph put them to ab<sup>t</sup> Nahant Land," etc. In division C, containing the charges against Edward Randolph,

24th "His Ma<sup>y</sup> in Councill was pleased to approve of the said Report and to order that the paper or charge therein mentioned

Randolph, it is stated that Rev. John Wife and others "swear to their damage sustained from Edward Randolph as one of their Judges; His letter da: Aug 23. 1686 ag<sup>t</sup> the countrey to my Lord Treasurer ab<sup>t</sup> rayseing great Revenues by Quitt Rents, quintessence of Injustice to N. E"; his threatening to hang two soldiers on duty; his efforts to obtain possession of Nahant; his "undervaluing our Magistrates in Saying they were Servants and got their estates by fees and cozenage, the Devill was a lyer from the beginning; his saying that he would undertake with 500 of his Maj<sup>ties</sup> guard to drive the Massachusetts people out of their Country"; his efforts to have the Charter vacated; "it appears that the late King was at 8 or 900<sup>l</sup> charge ab<sup>t</sup> maintaining him, & yett would be hard for him to prove that ever the Crown was 20<sup>s</sup> the better for him. But certainly the King & New England have been Greatly damified by him," etc. See also *Andros Tracts*, Vol. I. p. 161. The divisions B, D, E, F, etc., contain the charges against the other prisoners.

Hutchinson in a note on page 394, 2d edition, of his *History of Massachusetts Bay*, states that the reasons why Mr. Humphreys's paper was not signed were the disagreement of the agents, and the advice of Sir John Somers. "It was well known, that it would be most agreeable to have no enquiry made," as it was the wish of the government to have past offences forgotten. Besides, the prisoners had prepared charges against the Colony "for rebellion against lawful authority," which put the agents, as Sir John said, upon the defensive. One of the lords re-

marked that the revolution in Massachusetts was like that of England, a rising of the people against tyranny.

*State Papers, Colonial, Entry Book* 109, p. 323, 17 April, 1690.

"Both sides heard; prisoners discharged, &c.

"At the Committee of Trade and Plantations At the Councill Chamber at Whitehall Thursday the 17<sup>th</sup> of Aprill 1690.

"Present: L<sup>d</sup> President, E. of Pembroke, E. of Nottingham, E. of Torrington, E. of Fauconberg, M<sup>r</sup> Comptroller, S<sup>t</sup> Hen. Goodrick, M<sup>r</sup> Powle, M<sup>r</sup> Boscawen.

" . . . S<sup>t</sup> Edmond Andros and the New England. Gentlemen lately Imprisoned in New England & S<sup>t</sup>. Henry Ashurst, M<sup>r</sup> Elisha Cook, M<sup>r</sup> Increase Mather & M<sup>r</sup> Thomas Oaks, as Agents for New England, with Councill learned Attending are call'd in, And A Paper delivered to M<sup>r</sup> Blathwayt, by M<sup>r</sup> Humphries, who Solicits the Affairs of New England, Entituled Matters Objected against S<sup>t</sup>. Edmond Andros and others as Occasions of their Imprisonm<sup>t</sup> in New England, is laid before the Committee, but not being signed, S<sup>t</sup> Henry Ashurst and the other Gentlemen, appearing as Agents for New England, are askt whether they would Owne it; And no Person Appearing to Signe or own the same, it was ordered to be laid Aside without being read; S<sup>t</sup> Henry Ashurst and the other Gentlemen from New England alleage they have nothing to Object against S<sup>t</sup>. Edmond Andros. That S<sup>t</sup>. Edmond Andros And those with him had been brought Over in pursuance of his Ma<sup>y</sup>'s Order of the 12<sup>th</sup> of August Last, Whereupon Their L<sup>ds</sup> agree to Offer Their Opinion to His Ma<sup>y</sup> that S<sup>t</sup>.

mentioned, as not being signed or owned by any person, be dismissed this board: And that S<sup>r</sup> Edmund Andros, Late Governor of New England and others that have been seized by the people of Boston upon the Late Revolution, now attending his majesty, be forthwith discharged, as they are hereby discharged and sett at liberty according to the said Report.”<sup>258</sup>

On the day that he was liberated, Randolph sent to the Committee an “Answer to matters objected against him” in Mr. Humphreys’s paper, denying “all manner of Confederacy with S<sup>r</sup> Edmund Andros, or that he joyned with him in making any Arbitrary Laws & Impositions,” and stating that the only cause of his imprisonment was his having put a stop to the irregular trade of the Colony “at the hazard of his life, making him obnoxious to the Government which chiefly consists of Traders, who have openly declared that neither the Acts of Trade nor any Law of England were in force with them till Ratified and Allowed of by their Representatives in a Generall Court.” For this reason the legal proceedings begun in the reign of Charles the First to vacate the Charter, suspended on account of political troubles, were continued and brought to a conclusion.<sup>259</sup>

Having

S<sup>r</sup> Edmond Andros and the Persons lately Imprisoned in New England and now Attending His Ma<sup>y</sup> be forthwith discharged and sett at Liberty, And that the Paper or Charge which had not been Signed or Owned may be dismissed.

“Their Lōps being informed that the New York. Records belonging to New York had been removed to Boston Agree to Move His Ma<sup>y</sup> that Orders may be given for delivering them to Coll Sloughter.”

<sup>258</sup> *Massachusetts Archives*, Vol.

XXXVI. p. 11. At this meeting of the Privy Council at Whitehall, 24 April, 1690, were present the King, Prince George of Denmark, Bishop of London, Duke of Norfolk, Earl of Nottingham, Lord Chief Justice Holt, and others, numbering in all thirty. Also *Andros Tracts*, Vol. III. p. 41.

<sup>259</sup> *State Papers, Colonial, Entry Book* 162, p. 202. Randolph’s Answer to matters objected against him, 24 April, 1690, *post*; also *Andros Tracts*, Vol. II. p. 184.

Having learned that during his imprisonment his office of Collector had been granted to some one else, Randolph petitioned to have it restored to him,<sup>260</sup> being evidently willing to take the oath of allegiance to King William, his friend, Mr. Blathwayt,<sup>261</sup> having already become an adherent to the new government. His petition was not answered immediately, the King being engrossed with political troubles, both domestic and foreign.

The representations made by Randolph, and constantly repeated by him, led the Privy Council to order the Treasury officials to select certain Commissioners of the Customs "to attend the Board and be prepared to Informe their Lōps, what Care is taken, and also what they have to offer for hindering the irregular Trade, and putting in due Execution the Acts of Trade and Navigation in New England." A summons was also sent to the Massachusetts agents to attend the meeting, as well as merchants trading there, and "such as have been lately Employ'd in New England & New Yorke."<sup>262</sup> Randolph availed himself of this summons to present

<sup>260</sup> *State Papers, Board of Trade, New England*, Vol. V. p. 206. "Mr Randolphs Pet<sup>n</sup> to be Restored to his Employment. To the Kings Excell<sup>t</sup> Maj<sup>ty</sup> 22 May, 1690," *post*.

<sup>261</sup> John Evelyn in his *Diary*, under date of 18 June, 1687, says, "I dined at Mr. Blathwaite's (2 miles from Hampton). This gentleman is Secretary of War, Clerk of the Council etc., having rais'd himselfe by his industrie from very moderate circumstances. He is a very proper, handsome person, and very dextrous in businesse, and besides all this, has married a greate fortune. His income by the Army, Council and

Secretary to y<sup>e</sup> Committee of Forraigne Plantations bring him in above £2000 per ann."

<sup>262</sup> *State Papers, Colonial, Entry Book* 62, p. 228. "At the Court at Whitehall the 12<sup>th</sup> of June 1690. Their Lōpps having appointed Saturday the 14<sup>th</sup> inst<sup>t</sup> at Ten in the morning to take into Consideration the New England Trade, did this day Order that the R<sup>t</sup> Hon<sup>ble</sup> the Lords Com<sup>rs</sup> of the Treāry be desired to appoint such of the Commission<sup>rs</sup> of the Customes as they shall think fit, to attend the Board at that time," etc.

The Massachusetts agents had already been

present to the Privy Council an "acco<sup>t</sup> of irregular Trade in N. England since y<sup>e</sup> Revolution," speaking of his great fidelity to the Crown in prosecuting offences in New England against the Acts of Trade, often to the imminent peril of his life; of his twelve years of service and his ten voyages; of his imprisonment solely on account of his preventing the free trade of the Colonists, "not having meddled with the Government than as my particular Station directed me to," begging to be restored to the office, "in which I am ready to serve their Ma<sup>y</sup> with all fidelity & Vigour," and then adding a list of vessels that had violated the Acts of Navigation since the revolution in Boston.<sup>263</sup> The agents were not slow to answer this. "It is true M<sup>r</sup> Randolph seized and prosecuted

been ordered to produce their credentials. See *State Papers, Colonial, Entry Book* 109, p. 324. "At the Committee of Trade and Plantations at Whitehall 29 May 1690. Present, Lord President, E. of Nottingham, B<sup>p</sup> of London, M<sup>st</sup>r of the Rolls, S<sup>r</sup> Henry Goodrick; S<sup>r</sup> Henry Ashurst, M<sup>r</sup> Cook, M<sup>r</sup> Mather & M<sup>r</sup> Oaks are called in. A L<sup>et</sup>re from M<sup>r</sup> Broadstreet to the Earl of Shrewsbury of 27 March read together with an Address from the Governor and Council, After which an Acc<sup>t</sup> is presented by S<sup>r</sup> Edmund Andros of the forces raised in New England in the year 1688 for the defence of the Country ag<sup>t</sup> the Indians, whereupon their L<sup>o</sup>ps ord<sup>r</sup> that a Copy be given to the Agents of New England, who are to return Their Answer thereunto in writing, and that they Produce their Power or Credentials from the p<sup>re</sup>sent Government in New England for their being Agents for the Country."

On May 24th Mr. Mather had written to Mr. Thomas Hinckley: "My former

letters have signified that the bill for restoring Charters (wherein all belonging to N. E. were comprehended) came to nothing by the sudden dissolution of the last Parliament. The ingratitude of N. E. towards me, after all the hazards I have for their sakes exposed myself unto (they not having to this day repaid the moneys which two years ago I borrowed to save them from ruin) has made a great impression on my spirits." See *Massachusetts Historical Society Collections, Fourth Series*, Vol. V. p. 254. See *Ibid.*, p. 256, for a letter from Stephen Mason to Simon Bradstreet, 26 May, saying, "I understand that Sir H. Ashurst is not forward to part with his money, notwithstanding his fair pretences at first; it would do much to send in goods or bills a considerable sum of money, and without it no good is to be done at Court."

<sup>263</sup> *State Papers, Colonial, Entry Book* 62, p. 231. "M<sup>r</sup> Randolph's Acco<sup>t</sup> of irregular Trade in N. England since y<sup>e</sup> Revolution," *post.*

profecuted severall Veffells and Goods for irregular Trading, But upon the Tryall (as we underftand) his proofs were fo very defective, that the Juries would not find for his Ma<sup>ty</sup>, and it was generally underftood in the Colony, that he did it purpofely to bring an Odium upon the Governm<sup>t</sup> the better to Effect the defign in w<sup>h</sup> he was engaged of deftroying their Charter, and divers Credible Perfons in New England, have affirmed they know M<sup>r</sup> Randolph notoriously guilty of Bribery and Corruption. And that upon that Account he let feveral Offenders go unpunifhed. And whereas he faith the chief end of his Imprifonment was to reftore a free Trade, We humbly offer that M<sup>r</sup> Randolph was the Perfon Employed in the two laft Reigns to profecute *Quo Warrantos* and deftroy the charters in New England, and in fetting up an Arbitrary Government there which he effected againft the Maffachufetts Colony. He procured to himfelf the office of Secretary and was one of the moft malicious and active of the Council, and for this he was imprifoned and not his being concerned about profecuting the Breaches of the Afts of Trade as he pretends. Tho' he begins his paper with that Specious pretence of zeale for their Majeftys Interelt it all ends in his owne And in a defire to be put into an Employment." The agents then took up the cafe of each veffel feparately, refuting Randolph's charges.<sup>264</sup> Probably about this time was printed, in  
London,

<sup>264</sup> *State Papers, Colonial, Entry Book* 62, p. 242. "An Answer to M<sup>r</sup> Randolph's Acc<sup>t</sup> touching irregular Trade fince y<sup>e</sup> late Revolution," *post*. See alfo *Maffachufetts Archives*, Vol. XXXVI. p. 97; alfo *Andros Trafts*, Vol. II. p. 125. In the latter the answer is given in full, which is not the cafe in the *Entry Book*.

London, "New England's Faction discovered, or a Brief and True Account of their Persecution of the Church of England etc. being an Answer to a most false and Scandalous Pamphlet, lately published, Intituled News from New England, etc.," signed C. D., which, if not prepared, was evidently inspired, by Randolph. In this publication an effort was made to exonerate Sir Edmund and his administration.<sup>265</sup>

Although Lord Clarendon, to whom Randolph owed much, deserted the cause of King William, and by becoming a conspirator to reinstate James the Second, was imprisoned in the Tower of London,<sup>266</sup> and Sancroft, the Archbishop of Canterbury, sympathized with the attempts to restore the exiled King, losing finally, as a non-juror, his ecclesiastical dignity,<sup>267</sup> their action did not influence the conduct of Randolph, who went to Ireland in King William's service,<sup>268</sup> probably in the employ of Blathwayt, who became the Secretary of War for that kingdom,<sup>269</sup> or with Sir

<sup>265</sup> *Andros Tracts*, Vol. II. p. 203, *post*.

<sup>266</sup> *History of England*, by T. B. Macaulay, ed. 1861, Vol. III. p. 465.

<sup>267</sup> *Ibid.*, Vol. IV. p. 37. "Tillotson was nominated to the Archbishopric, and was consecrated on Whitfunday in the church Saint Mary Le Bon. Compton, cruelly mortified, refused to bear any part in the ceremony."

<sup>268</sup> *State Papers, Colonial, Board of Trade, Bundle A* (20). Randolph's Petition about trees for the Navy. 13 October, 1691, *post*.

King William landed in Ireland, 14 June, 1690; on 1 July the battle of the Boyne was fought, and on 6 September the King landed at Bristol, England; on 18 January, 1691, he left England for Holland.

<sup>269</sup> *Life of the Duke of Marlborough*,

by Viscount Wolesley, Vol. II. p. 31.

"In his memoirs, Berwick accuses Mr. Blathwayte, the Secretary of War, of having intentionally kept orders back in order to give Lord Cornbury and others time to join the Prince of Orange." In the *Brief Relation of State Affairs*, by Narcissus Luttrell, there are several entries concerning Mr. Blathwayt. Under date of 13 February, 1691-92, "Mr Blathwayte Secretary of Warr will goe alsoe Secretary of State to his Majesty during the campagne in Flanders. 14 December 1700, it is said Mr. Blathwayt Secretary of War will be created Lord of Bristol in consideration of his services to his majestie."

Sir Robert Southwell, who was appointed Secretary of State.<sup>270</sup>

While the war in Ireland was still raging, the question of granting a Charter to Massachusetts was discussed at the Privy Council, and by the Committee of Trade and Plantations. The opposition to restoring the original Charter was strong.<sup>271</sup> The King during one of his visits to England from the Continent, where hostilities against Louis XIV. were still going on, having expressed his desire that the executive power under a new Charter, the old one being legally vacated, should be lodged in the hands of a Governor appointed by royal authority, and not chosen by the inhabitants of the Colony, a new Charter was issued conforming to the King's wishes, granting liberty of conscience to all Christians except Papists, the election by freeholders and taxpayers of an Assembly with power of levying taxes, while all laws not disallowed by the King at the expiration of three years were to be in force.<sup>272</sup>

How

<sup>270</sup> *Diary of John Evelyn*, 1 December, 1690. "Having been chosen President of the Royal Society, I desir'd to decline it, and with great difficulty devolv'd the election on S<sup>r</sup> Rob<sup>t</sup> Southwell, Secretary of State to King William in Ireland."

<sup>271</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 410, note. "There are two parties which solicit the affairs of New England. 1, Those who labour for an union of the whole territory, under a captain-general, who should govern by commission from the King, without any respect to former charters. 2, The other party labour to have the several charters of the respective colonies restored. If the Massa-

chusetts Charter should be restored, several necessary powers would be wanting. A middle way, therefore, seems most desirable. A new charter can be granted with all necessary powers enumerated, and the colonies which have no charters to be annexed to the Massachusetts colony."

See *Ibid.*, p. 408, for the plan, establishing a great corporation with extensive powers and covering a large territory proposed by a Dr. Cox, and referred, on 22 August, 1690, by Mr. Blathwayt, on behalf of the Lords of Trade, to the Attorney General for his opinion, which was adverse to the scheme.

<sup>272</sup> See *Massachusetts Archives*, Vol. CCXLII.



How much Mr. Randolph had to do with framing the second Charter is not now known, but the main features, a dependence of the Colony upon the Crown, and the transferring of the basis of suffrage from church-membership to a property qualification, which would diminish the influence of the Congregational ministers, were in harmony with his views. He had returned to England from Ireland by the early part of 1691,<sup>273</sup> and was in communication with Mr. Blathwayt, who, according to Hutchinson, drew up the Charter that was finally accepted.<sup>274</sup>

The

CCXLIII. p. 417, for Draft of a petition of the Agents of Massachusetts to Queen Mary, stating that "his Ma<sup>ty</sup> upon y<sup>e</sup> 30<sup>th</sup> of Aprill last did at y<sup>e</sup> Council Board signify that his subjects in y<sup>e</sup> Colony should have their former Charter Rights & Priviledges confirmed to y<sup>m</sup> only reserving to him selfe y<sup>e</sup> power to appoint a Goven<sup>r</sup> y<sup>t</sup> might unite these Colonies; that this notwithstanding y<sup>e</sup> Clerk of y<sup>e</sup> Council drew up an order y<sup>t</sup> y<sup>e</sup> Massachusetts Colony should as to y<sup>e</sup> administration of Govern<sup>t</sup> be settled as Barbadoes & y<sup>e</sup> other Plantations, w<sup>ch</sup> Plantations are not incorporated nor have any Charter Priviledges belonging to them"; the Committee of Trade, having proposed alterations prejudicial to the interests of the Colony, the Agents pray that the Charter prepared by the Attorney General may pass without those alterations.

*State Papers, Colonial, Entry Book* 62, p. 269, 1690-1: —

"Memd<sup>m</sup> For my Lord President touching the New England Charter.

"Memorand<sup>m</sup> For my Lord Presid<sup>t</sup>:

"Upon Consideration of the former Charter of New-England, and the Draught of a New Charter by the New England Agents the Lords of the Cōmittee of Trade and Plantations

agree that before any further Proceedings Relating to the Charter, his Maj<sup>ty</sup> be humbly Moved to declare whether it be his Pleasure to have a Govern<sup>r</sup> or single Representative of his own ap<sup>p</sup>m<sup>t</sup> from time to time, to give his Consent to all Laws and Acts of Government as in Barbados and other Plantations, Or whether His Majesty will leave the Power of Making Laws wholly to the People and Officers to be appointed by them."

<sup>273</sup> *State Papers, Board of Trade, New England*, Vol. V. p. 494. Randolph to Blathwayt, 25 April, 1691, *post*.

<sup>274</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 411. "The charter was drawn up by Mr. Blathwait." In a note, he adds: "The charter has been said to have been drawn up by Sir John Somers, a mistake from his having drawn the first, which was refused; others said it was done by Mr. Locke. There are so many inaccuracies, as are not to be accounted for if done by either of those great men. It is more probable they should come from Mr. Blathwayt."

*State Papers, Colonial, Entry Book* 62, p. 270, 30 April, 1691: —

"Order

The agents succeeded in having added to the territory of Massachusetts the Colony of Plymouth,<sup>275</sup> and in retaining the

"Order upon the Report touching a New Charter for the Colony of the Massachusetts Bay.

"At the Court at Whitehall the 30<sup>th</sup> of Aprill 1691.

"Present: The Kings most Excellent Ma<sup>ty</sup> in Councill.

"His Ma<sup>ty</sup> having upon the application of the Agents of the Massachusetts Bay in New England thought fit to Referr the Draught of a New Charter for that Colony, unto the Right Hono<sup>ble</sup> the Lords of the Committee of Trade and Plantations, And Their Lōps having upon consideration thereof this day, Reported to His Ma<sup>ty</sup> That they humbly conceive it necessary, that before there be any further Proceedings relating to that Charter, His Ma<sup>ty</sup> would Declare, whether it be His Royall Pleasure to have a Governor or single Representative of His own Appointment from time to time, to give his consent to all Lawes and Acts of Government, as in Barbados and the other Plantations, or whether His Ma<sup>ty</sup> would leave the Power of making Laws to the People or Officers appointed by them. And His Ma<sup>ty</sup> upon Debate of this Matter having been acquainted that the former Charter of the Massachusetts Bay, stood legally vacated, And that the Agents of that Colony had desired a new Charter from His Ma<sup>ty</sup>

with divers Variations from the former Charter, His Ma<sup>ty</sup> was thereupon pleased to Declare in Councill, that he did Resolve to send a Governor of His own Nomination and Appointment for the Administration of the Government of the Massachusetts Colony, as in Barbados and other Plantations, And did further Order, as it is hereby Ordered, That the Right Hono<sup>ble</sup> the Lords of the Committee of Trade and Plantations, do forthwith prepare the Draught of a new Charter, upon that Foundation, for the speedy Settlement of the said Colony.

"Memorand<sup>m</sup> Upon Consideration of the Draught of a Charter to be prepared for the Colony of the Massachusetts Bay, in pursuance of Their Ma<sup>ty</sup> Order in Councill of the Thirtieth of Aprill last, Their Lōpps think it requisite that the same be Referred to Their Ma<sup>ty</sup> Attorney Generall, to Prepare the Draught of a new Charter according to His Ma<sup>ty</sup> Pleasure Exprest in the said Order.

"Councill Chamber the 12<sup>th</sup> of May 1691."

*State Papers, Colonial, Entry Book* 62, p. 273. "Minutes for the Charter of the Massachusetts. The Draught of a Charter for the Massachusetts Bay in New England being presented to the Committee,

<sup>275</sup> As was natural there was some dissatisfaction in Plymouth at losing their independence by being annexed to Massachusetts. See Wiswall's letter to Hinckley, 5 Nov. 1691, in *Hutchinson's History of Massachusetts Bay*, 2d ed., Vol. I. p. 413: "All the frame of heaven moves upon one axis, and the

whole of New England's interest seems designed to be loaden on one bottom and her particular motions to be concentrick to the Massachusetts tropick. You know who are wont to trot after the Bay horse." Printed also in *Massachusetts Historical Society Collections, Fourth Series*, Vol. V. p. 299.

the purchased Province of Maine, but were not successful in obtaining jurisdiction over New Hampshire.<sup>276</sup> The Colonies

Committee, by Mr Attorney Generall the 2 of July 1691, their Lōpps upon considering the same att severall Meetings agree upon the following Minutes for a Charter for that Colony." The meetings were held the 2d, 9th, 17th, 20th, and 29th of July. The alterations proposed by the Committee of Trade, most of which were accepted by the Agents, are given in the following abstract:—

"Abstract of the Minutes for the Charter of the Massachusetts Colony, directed at the Committee of Plantations with y<sup>e</sup> Report of M<sup>r</sup> Attorney Generall.

Report.  
Accepted of by  
the Agents of the  
Massachusetts  
Colony.

"That there be A Govern<sup>r</sup> & Lieu<sup>t</sup> or Dep<sup>y</sup> Gov<sup>r</sup> Appointed by Their Majesties during Pleasure.

"That there be a Generall Court or Assembly to be Chosen by the Freeholders of 40s p An<sup>m</sup>, and other Inhabit<sup>ts</sup> worth 50 [s] each in Money, to meet Every Year the last Wednesday in May and Oftner if the Governour shall think fitt, who may Convene, Prorogue and dissolve them.

"The Generall Court or Assembly to have power to Erect and Constitute Courts of Justice.

"Officers of all sorts Except Judges, Justices of the Peace, Sherriffs, the Secretary and Officers more especially relating to the Person of the Govern<sup>r</sup> and the Council, to be chosen by the Generall Court.

"Laws to be Transmitted by the first Oppertunity.

"The time of the Kings Confirmation to be Indefinite.

"The power of the Militia to be in the Govern<sup>r</sup> Except the Transporting of the Inhabitants out of the Colony w<sup>ch</sup>

Accepted of. is not to be without their own Consent or Consent of the Generall Court, and Martiall Law, not to be Executed without the Consent of the Assistants upon the Inhabit<sup>ts</sup> of the Colony.

"All Admirall Rights to be in the Govern<sup>r</sup> by Cōmiss<sup>rs</sup> from the Lord High Admirall of the Plantations.

"Probate of Wills & Administration to be in y<sup>e</sup> Govern<sup>r</sup> and Council or Assistants and such as shall be Cōmission<sup>ed</sup> by them.

Accepted of. "Appeals to be Allowed.

Not accepted of. "Liberty of Conscience to be granted to all Christians Except Papists.

"That the Assistants or Council be chosen by the Generall Court or Assembly, with the Approbation of the Governour.

Not accepted of in the Election of Officers. "The Governour to have a Negative Voice in the

Passing of Laws, and all other Acts of Govern<sup>mt</sup> of the Generall Court.

"Geo. Treby."

In *State Papers, Board of Trade, New England*, Vol. I. p 520, the clause "Liberty of Conscience to be granted to all Christians Except Papists" is marked "Accepted of," while the clause "That the Assistants or Council be chosen by the Generall Court or Assembly, with the Approbation of the Governour," is omitted.

<sup>276</sup> *State Papers, Colonial, Entry Book 62*, p. 293, 27 August, 1691:—  
"Agents petition for New Hampshire, &c.

"To

nies of Connecticut and Rhode Island retained their original charters, there being no judgment recorded against them.<sup>277</sup>

The

"To the R<sup>t</sup> Hon<sup>ble</sup> the Lords of y<sup>e</sup> Cōmittee of Forreign Plantations.

"The humble Petition of the Agents for the Massachusetts Colony in New England Sheweth

"That Whereas Their Maj<sup>ties</sup> Royall Charter to the s<sup>d</sup> Colony, is suddenly to Pass the Seales,

"Your Low<sup>tyes</sup> Pet<sup>r</sup> humbly Pray, That all that Tract of Land, commonly called Nova Scotia or Acady, both as to Governm<sup>t</sup> and Soyle, may be United & Annex'd to the said Colony of Massachusetts, as also that the Government and soyle of the Province of Main may be Annexed unto the said Colony, And likewise that the Province of Hampshire, as the Governm<sup>t</sup> thereof, may be United & Annex'd to the said Massachusetts, and that the property, and the Lands disposed of by former Generall Courts or Assemblys, may be thereby Confirmed, and that a Clause may be inserted to Oblige the Govern<sup>t</sup> from time to time to give sufficient Notice to the Assistants or Councill<sup>rs</sup> of the time when and where, a Councill may or shall be held, and that the Councill may not proceed to the Election of any Officer whatsoever, unless Eleaven at the least of the Assistants be present at such Elections, and that seaven at least may allwayes be the Coram [Quorum], And

all Civill Officers whatsoever, may be chosen by the Generall Assembly, or by the Govern<sup>r</sup> and Assistants, and that the first Assistants may Continue, untill the last Wednesday in May, which shall be in the Year of Our Lord Christ 1693, And that the General Assembly may have power, from time to time, to Constitute and Appoint One or More Agents, to represent their Case & Interest to Your Majest<sup>ies</sup> Their Heires and Successors, as well against the Govern<sup>r</sup>, as otherwise, and to Appear and act for them in and before all Courts, & Judicatures w<sup>h</sup>soever and y<sup>e</sup> Expence & Charges of such Agency may be defray'd, either by Mony raised by Act of y<sup>e</sup> Assembly, or by publiq Contribution. And likewise that a Clause may be incerted, that the Passing of such Charter or any thing therein Expressed or signified, may not any way deprive the people of the said Colony or any of them, of any Property, Rights, Libertys, Priviledges, Imunities or advantages belonging to them or any [of] them.

"Thursday y<sup>e</sup> 27<sup>th</sup> Aug<sup>r</sup> 1691.

"And Yo<sup>r</sup> Pet<sup>r</sup> as in Duty bound shall ever Pray &c.

Increase Mather

"By Ord<sup>r</sup> from S<sup>t</sup> Henry Ashurst Bar<sup>t</sup>. William Paterfon."

See Mr. Cooke's letter to Gov. Bradstreet,

<sup>277</sup> See *Massachusetts Historical Society Collections, Fifth Series*, Vol. IX. p. 175, for the opinion of Edw. Ward, J. Somers, and Geo. Treby, dated 2 August, 1690, that Connecticut retained her original Charter, there being no surrender under the public Seal or recorded judgment. Indorsed, "The Solicitor and Attorney General and

Mr. Ward's opinion." See *History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 407: "The proceedings against Rhode Island having been very near the same with those against Connecticut, the same opinion would serve to justify them in reassuming their Charter."

The affairs of New England as to administration being settled, although Sir William Phips, the new Governor, and the Rev. Increase Mather, did not arrive at Boston until the following May,<sup>278</sup> bringing with them the Charter, which with

street, London, 4 Nov. 1691, in *Hutchinson's History of Massachusetts Bay*, 2d ed., Vol. I. p. 412: "The country of Nova Scotia &c. is granted in the charter, yet an after clause takes away all the right to the soil to the eastward of Sagadahock. Had any petition come from New Hampshire, respecting their desire to be continued under the Massachusetts, in all probability it had been granted them." In the same letter he states that "Mr Blathwayt prepared the draught of the charter." Mr. Cooke refused to accept the new Charter, and many of the colonists were disappointed that Mr. Mather had not succeeded in having the old one restored.

The Charter of William and Mary was dated 7 October, 1691. "The Territories and Colonies commonly called or known by the Names of the Collony of the Massachusetts Bay and Collony of New Plymouth, the Province of Main, the Territorie called Acadia or Nova Scotia and all that Tract of Land lying betweene the said Territories of Nova Scotia and the said Province of Main be erected, United and Incorporated under the name of Our Province of the Massachusetts Bay in New England." The Governor, Lieutenant or Deputy Governor and Secretary to be appointed by the Crown. The number of the Council to be twenty-eight. Deputies to be elected. Voters to have a freehold of the value of forty shillings a year, or other estate of Forty pounds. The first Councillors were appointed by the Crown; after that they were to be elected yearly by the General Court, which had power to dis-

place them. The inhabitants to have all the rights of native born Englishmen. "There shall be a liberty of conscience allowed in the worship of God to all Christians (Except Papiests) inhabiting there." Power to erect courts to try all causes, criminal as well as civil. Right of appeal to England in certain cases. To make laws not repugnant to those of England. Right of laying taxes and to erect corporations. The Governor to have power to veto. Laws to be transmitted to England for approbation or disallowance. Three years the limit of time to disallow. Former grants of lands confirmed. The militia not to march outside the limits of the Colony without the consent of the General Court. And martial law not to be exercised without the consent of the Council. Courts of Admiralty to be erected only by the authorities in England. All trees of twenty-four inches in diameter one foot from the ground, on lands not granted, to be reserved, under a penalty, for the royal navy.

Cotton Mather, in his *Parentator*, 1724, pp. 117-144, gives, in the chapter called "History of the New Charter," many details concerning it.

<sup>278</sup> *Diary of Samuel Sewall*. "1692, May 14. Sir William arrives in the Nonfuch Frigot. Candles are lighted, before he gets into Town-house. Eight companies wait on Him to his house and then on Mr. Mather to his. Made no volleys because 'twas Satterday night. Monday May 16. Eight Companies and two from Charlestown guard Sir William and his Councillors to the Town-house, where the Commissions were read

with the explanatory one of 1726, remained in force until a short time previous to the breaking out of the Revolutionary war,<sup>279</sup> Randolph received from the Commissioners of the Treasury, in October, a fuller and broader commission than he had formerly held. He was made Surveyor General of their Majesties' Customs in all the coasts of America.<sup>280</sup> In his extended sphere of action, which included the Bermuda and Bahama Islands, as well as the middle and southern Provinces and Northern Colonies on the continent, he found that the violation of the Acts of Trade was everywhere as flagrant as in New England. He complained repeatedly of the obstructions placed in his path of duty, particularly in the Proprietary governments, and he commenced a series of attacks against them, as he had formerly against the Charters of New England. On the day of his appointment

read and oaths taken." His failure in attacking Canada, with its disastrous consequences, did not prevent his appointment. This failure is alluded to in an address of the General Court to King William and Queen Mary in *Massachusetts Archives*, Vol. CCXLII. p. 420, dated 14 October, 1691.

<sup>279</sup> April, 1774. See *History of the United States*, by James Grahame, 1845, Vol. IV. p. 360.

<sup>280</sup> See letter of Commissary Blair to Governor Nicholson, dated from London, 3 December, 1691, saying that "Mr. Randolph and Mr. Sherwood are now bound for Virginia," in the *Historical Collections of the American Colonial Church*, by W. S. Perry.

Randolph's title is written differently in various official papers. He is called Surveyor General of their Majesties' Customs in all the Provinces and Colonies on the Continent of America,

and after the death of Queen Mary, 28 December, 1694, Surveyor General of his Majesty's Customs in the Colonies and Plantations upon the coast of America, and Surveyor General of the Customs in all his Majesty's Colonies, Provinces, and Plantations on the Continent of America and Islands adjacent.

The position formerly held by Randolph at Boston was filled by Mr. Brenton. Sewall says in his *Diary*: "26 January, 90-91. Mr. Brenton exhibits his commission under the Broad Seal for exercising the office of Collector, Surveyor and Searcher."

On 27 June, 1692, Massachusetts passed an Act for the erecting of a Naval Office, which was disallowed by the Privy Council, 22 August, 1695. On 28 June, 1701, another Act was passed for establishing of a Naval Office. *Province Laws of Massachusetts*, Vol. I. p. 34, *et seq.*

appointment he petitioned that he might "upon reasonable encouragement be empowered to survey, mark and register" the trees fit for the royal navy which he might find, as he had already done in the Province of Maine, from which place he had delivered "into Their Ma<sup>y</sup> Stores at Chatham 40 Masts and Bowsprits of the Largest Dimentions," adding to his petition a list of places in New England surveyed by him.<sup>281</sup>

After a tedious voyage he arrived in Virginia, in the spring of 1692, where his friend Captain Nicholson, having obtained the office of Lieutenant Governor of that Province, had preceded him. Randolph, having been made Deputy Auditor of Maryland, wrote to Governor Copley soon after his arrival, notifying him of his appointment, and sending him also a notification that as Governor he must take the oath to enforce the Acts of Trade "as far as your Excell<sup>y</sup> is concerned under the penalty of 1000*l*. I long to be at St. Maries,<sup>282</sup> though I shall make very little stay in regard I am directed to make my survey here first. I know there is a great deal to doe in your parts especially in the Eastern Country adjoining to New Castle. I desire your Excell<sup>y</sup> to proceed quietly till you can have a fair blow att them. I hear

<sup>281</sup> *State Papers, Colonial, Board of Trade 2, Bundle A (20)*. Randolph's Petition about Trees for the Navy. 13 October, 1691, *post*.

<sup>282</sup> Then the seat of government, although the General Assembly met occasionally at other places. Maryland was then a royal Province, Lord Baltimore having been divested of his governmental power. *Maryland Archives*, Vol. VIII. p. 235: "Wee have thought fitt

to take our Province of Maryland under our immediate care and protection." Lionel Copley was made Governor, 27 June, 1691, Lord Chief Justice Holt having given his opinion, 3 June, 1690, that the King might take away the Charter of Maryland, it being in a case of necessity. See *Opinions of Eminent Lawyers*, edited by George Chalmers, Vol. I. p. 31.

hear there are some officers who have not done their dutys. L<sup>t</sup> Governor Nicholson is very zealous for his Ma<sup>ties</sup> interest. I intended to send your Excellency the Law made here for laying 4<sup>d</sup> upon every gallon of liquor imported here from the West Indies and 2<sup>d</sup> upon every gallon to be paid by such of the Inhabitants as are the Importers in Vessels belonging to the Country, which if your Excellency can get past will be a great service to the Crown."<sup>283</sup> Not long after, Randolph visited Maryland, where he seized a Scotch vessel for trading illegally, and brought her to trial in June, but was defeated, the jury finding for the defendant, and one of the judges, who was also a member of the Council, saying "that in his opinion the Niceties of the Law ought not to be observed and the penall Statute upon which the information was brought was out or words to that effect."<sup>284</sup> Not deterred by his failure he brought suits against other vessels he had seized, but was again defeated. This led him, according to Governor Copley's account, to use harsh and strong language, calling the jurors "base, perjured and fore-swore rogues, threatening them with the pillory and loss of their ears, and he also in publick aspersed, bespattered and affronted the Justices themselves, basely said by him to be picked and packed by me." The Governor gave vent to his irritation by attacking Randolph, dwelling upon his malignant and imperious temper, his revengeful disposition, shown in seizing vessels merely because their owners were what he called "New England rogues and doggs and pitifull damned

<sup>283</sup> *Maryland Archives*, Vol. VIII. p. 316. Mr. Randolph to Coll. Copley, James City, April 13th, 1692, *post*.

<sup>284</sup> *Ibid.*, p. 328. Mr. Chilton to Mr. Randolph, James City, July 9th, 1692, *post*.



damned Scotch Pedlars," his harassing the people of the Province "by pressing, feizing and violently taking away and makeing use of their horses, boates, goods and servants without paying or making any satisfaction for the same, otherwise then in the returne of ill language, his consorting with those of wicked principles, their Ma<sup>ties</sup> open professed enemies, papists and others disaffected to all, especially the present Government, disturbing the peace and tranquillity of the Province, so that he hath indeed effected here what he hath done in all other parts of the world (where ever he sett foote) made the whole country weary of him, boastingly vaunting that he thanks God he has lived these five and twenty years upon the curses of the people, which truly I am apt to believe."<sup>285</sup> The accusation against the loyalty of Randolph to William and Mary, which was repeated when he returned to Maryland in the autumn, had undoubtedly some foundation, for many in England were wavering in their allegiance, and the news of the naval victory of La Hogue<sup>286</sup> had not reached the Colonies. Before that crushing defeat to the hopes of James II., preventing the invasion of England by a French force, the expectation of the Tories had been high.

On his way northward from Maryland, Randolph visited, in August, Newcastle on the Delaware, then under the jurisdiction of Pennsylvania, where, according to the charge of

<sup>285</sup> *Maryland Archives*, Vol. VIII. p. 335. "Colonel Copley to the Lords of the Committee of Trade and Plantations, St. Maries in Maryland, 29 July, 1692," *post*. In a letter to Sir Thomas Lawrence, Secretary of Maryland, dated

7 April, 1693, *post*, Randolph speaks of the bearer as belonging to the "honest" party, evidently meaning the Jacobite party.

<sup>286</sup> The battle of La Hogue was fought in May, 1692.

of Governor Copley, he was bribed by a Mr. Vanderburgh to release him from the obligation of a £1,000 bond, on which he was surety for the faithful observance of the Laws of Trade. The affidavits of the witnesses to the bribing were sent to the Lords of the Treasury.<sup>287</sup> Continuing his journey Randolph reached Boston, September 2d,<sup>288</sup> on his official inspection,<sup>289</sup> and was probably still there when the "Act as to the Rights of the People"<sup>290</sup> was passed, re-establishing and reaffirming the legal privileges, which he had had much to do in overthrowing. Upon returning to Maryland in November, he was accused again of visiting Tories, known enemies to the government, and of drinking frequently to the health of King James, quoting an expression then current

<sup>287</sup> *Maryland Archives*, Vol. VIII. p. 432. "At a Councill held at the Governors House at St Peters the 21<sup>st</sup> day of Dec. Anno Dom. 1692," *post*.

<sup>288</sup> *Diary of Samuel Sewall*, "1692 Sept. 4<sup>b</sup> Mr. Randolph came to town last Friday [Sept. 2]."

<sup>289</sup> *Historical Papers*, by C. W. Tuttle, p. 326. Edward Randolph to John Usher, Boston, 28 Sept. 1692, *post*.

<sup>290</sup> *Massachusetts Archives*, Vol. XLVII. p. 87; also *Province Laws*, Vol. I. p. 40. The act was passed 14 October, 1692, but disallowed by the Privy Council 22 August, 1695.

In *Massachusetts Archives*, Vol. LI. p. 12, is a letter of Gov. Phips to the Commissioners of Customs, dated 19 January, 1692-3, showing that the feeling of Massachusetts was as hostile to Mr. Brenton, the royal collector, as it had been to Mr. Randolph, and claiming that the Colony had the right to appoint such officers. Under the government of Sir William Phips a report was

made by a committee "on the accounts of Sir Edmund Andros and John Usher." It was found that Andros "by his own orders, no advice and consent of the Council appearing for y<sup>e</sup> same," had drawn from the Treasury for his own salary Four thousand two hundred and eighty-six pounds nine shillings four pence, and that John Usher, the Treasurer, had taken for himself a commission of five per cent, without an order from the Governor or allowance of the Council, amounting to seven hundred pounds and upwards. *Ibid.*, Vol. CI. p. 1.

Among Andros's accounts are the following entries "to Edward Randolph his acc<sup>t</sup> of Incidents 24. o. 6. journey to Connecticut 15. for a bullock used at Pemaquid 4." *Ibid.*, p. 15. On 21 June, 1694, it was voted to pay William Blathwayt, the Auditor General, one hundred pounds "for his service referring to the passing of the accompts of this Province." *Ibid.*, Vol. C. p. 492.

rent in England, that "the man should have his mare again (a byword by them used to signify King James' return to the crowne) encouraging in them the hopes of seeing the same effected by May day next, and of vilifying the Governor and Council, while his rude and insolent carriage has become insupportable."<sup>291</sup>

Governor Copley, becoming exasperated, issued, finally, a warrant to arrest Mr. Randolph, which he avoided by taking refuge in Virginia, where Sir Edmund Andros had arrived as head of the government. Not to be balked, the Governor issued a second warrant, which was served by a Maryland officer crossing into Virginia and seizing Mr. Randolph. This action led to a correspondence between the two Governors, Sir Edmund demanding that Randolph should be returned, as he had been unlawfully arrested within the Province of Virginia. In the mean time the prisoner had managed to effect his escape, and to take refuge again under the protection of Andros, to whom Governor Copley sent a fruitless request that the criminal, who had "feloniously broke prison," should be remanded to Maryland.<sup>292</sup> While Randolph was in Virginia at that time the trial of Major Charles Scarborough took place, "for using seditious language against the King on account of certain appointments made by him to the supposed detriment of the established church," at which he was probably present.<sup>293</sup> The quarrel between Randolph

<sup>291</sup> *Maryland Archives*, Vol. VIII. p. 432.

<sup>292</sup> *Ibid.*, pp. 483-554. Order to arrest Edward Randolph, etc., 6 April — 12 May, 1693, *post*.

<sup>293</sup> See *Calendar of Virginia State*

*Papers* from 1652 to 1781, Introduction, p. xiii and p. xlvi; also p. 45 for an account of Randolph's expenses from May 9th to May 28th, 1693, *post*.

For an account of the violation of the Acts of Trade in Virginia, see *Economic History*

Randolph and Copley, embittered by the accusation that the Governor was in collusion with illegal traders, appears to have lasted until the death of the Governor, and the promotion of Nicholson to that post.

In the neighboring Province of Pennsylvania, in the mean time, the executive authority belonging to William Penn, as Proprietary, was taken from him and transferred by royal authority to Colonel Benjamin Fletcher, Governor of New York, who came to Philadelphia in the early part of 1693 with a "military retinue" to assume the government,<sup>294</sup> and it was not until the next year that Penn was able to re-assume his rights,<sup>295</sup> being thwarted partly by the efforts of Randolph, who attacked him, as well as the Proprietors of the other Provinces, vigorously.<sup>296</sup> During the rest of the year 1693, the whole of 1694, and part of 1695, Randolph was in the Provinces of Virginia, Maryland, and Pennsylvania, attempting in vain to enforce fully the Acts of Navigation; but the vessels seized by him were cleared by the courts and juries, and even in one case of a Boston brigantine seized and tried within the jurisdiction of Pennsylvania a suit was brought against him by the master of the vessel for

*History of Virginia*, by Philip Alexander Brown, 1896, Vol. I. p. 362.

<sup>294</sup> *Life of William Penn*, by Samuel M. Janney, 1852, p. 390. "The royal commission was dated 21 October, 1692. In the spring of 1693 Col. Fletcher notified Governor Lloyd of Pennsylvania [Penn's representative] that he intended to assume the reins of government, and accordingly he came to Philadelphia for that purpose attended by a military retinue."

<sup>295</sup> *Colonial Records of Pennsylvania*, Vol. I. p. 473. 20 August, 1694, letters patents restoring William Penn to the government of Pennsylvania. See also *Janney's Penn*, p. 393.

<sup>296</sup> *Life of William Penn*, by S. M. Janney, p. 413. Letter of Penn to his agents in Pennsylvania, dated 2<sup>d</sup> 3<sup>d</sup> mo. '98, speaks of the expenses he had incurred "in two years' withstanding of Edward Randall [Randolph]."

for damages, and a warrant of arrest was issued for non-payment of them.<sup>297</sup> These repeated failures caused him to write to the Board of Trade "that the illegal Trade in the plantations was supported & encouraged by the Generall partiality of Courts & Jurys (byassed by private Interest) in Causes relating to the Crown,"<sup>298</sup> and he prepared a paper containing suggestions to remedy the evil. Among other things he suggested that experienced custom house officials should be sent from England, having no connection with the local governments; that the Governors should not only take the required oath to enforce the Acts of Trade, which was not done by the Governors of the Proprietary Governments, but should also give security to the amount of £1,000; that Exchequer Courts should be established in all the Plantations, with judges and attorney generals appointed by the Crown; that masters of vessels producing forged certificates should be imprisoned for a year, with loss of vessel and cargo, while the forger should be imprisoned for life; that the Scotch should be considered as aliens, and that no privateers should be permitted to enter the ports without giving security to the value of not less than £1,000.<sup>299</sup>

Returning

<sup>297</sup> *State Papers, Board of Trade, Plantations General*, Vol. IV. p. 79. "The Petition of W<sup>m</sup> Trout M<sup>r</sup> of the Briganteen Dolphin of Bolton in New England now rideing at Anchor in the River Delaware before Marcus-hook in the County of Chester, 15 April, 1695," *post*.

<sup>298</sup> See *Ibid.*, 4 (41), for "An Account of severall vessells seized & prosecuted by Edward Randolph, Survy<sup>r</sup> Gen<sup>l</sup> of his Ma<sup>ties</sup> Customs, and cleared by the Courts & Jurys in Virginia, Maryland and Pensilvania, 31 July, 1696," *post*.

<sup>299</sup> See *Ibid.*, Vol. IV. p. 57, for "An Account of severall things whereby illegall Trade is encouraged in Virginia, Maryland and Pensilvania, together with methods for prevention thereof Humbly offer'd to the Consideration of the Honourable the Commissioners of His Majesties Customs by Edward Randolph Surveyor Generall," etc. 16 October, 1695, *post*.

An Act had been passed in Scotland erecting a company to trade with India, Africa, and America, "which in time may tend to destroy the Trade and Navigation

Returning to England in the latter part of 1695, Randolph exerted himself to push forward his schemes for remedying the evils connected with the plantation trade. He sent proposals and representations to the Committee of Trade, which were referred to the Lords of the Admiralty, and petitions to the Privy Council. He complained that no ship of war was sent to Maryland to watch the loading of tobacco and fee that the vessels joined the convoy of the Virginia tobacco fleet, by neglect of which many vessels were exposed to capture and there would be, consequently, a loss to the national revenue; that sailors were induced to desert the merchant and naval ships by the planters, who offered them higher wages, besides the chance of privateering, which ought to be prevented by penalties; that the commanders of vessels of war impressed men arbitrarily, to the detriment of the plantation trade, which ought to be regulated, but that the most important thing to be done was to make the Proprietary Governments dependent upon the Crown.<sup>300</sup> Upon this point he was emphatic, expressing strongly the hope that the matter would be fully considered, and that, if so ordered, he would remain in England to give all the information in his possession. "My occasions pressing me suddenly to de-  
part

Navigation of England & carry it to Scotland, we desire you will see that the officers strictly pursue their duties according to the Laws of England." See letter from Sir Robert Southwell and the other Commissioners of the Customs to the Governor of Pennsylvania, in *Pennsylvania Archives*, Vol. I. p. 119, 9 January, 1695-6. For an account of the Scotch company and its disastrous ending, the promoter of which was

William Patterfon, who had been recently the principal founder of the Bank of England, see *History of England*, by T. B. Macaulay, ed. 1861, Vol. V. p. 168, *et seq.*

<sup>300</sup> *State Papers, Colonial, Board of Trade 2, Bundle C.* Randolph's Petition: also Proposals to prevent delay in loading tobacco. 31 January, 1695-6, *post.*

part for that continent of America, unlesse y<sup>r</sup> Lord<sup>sh<sup>ps</sup></sup> shall please to Command my attendance & further Informations in order to make a Compleat Regulation in the trade of all those separate Colonyes & Provinces."<sup>301</sup>

The financial needs of England being at that time very great, owing to the war with France, it was necessary to prevent illegal foreign trading, in order to increase the custom house receipts, and, Randolph being familiar with the American trade, his advice was sought, and his plan of establishing Courts of Admiralty and of appointing Attorneys General in the Plantations was approved.<sup>302</sup> He then proposed that only "fitt persons be appointed to be the Gov<sup>rs</sup> of Carolina & Pensilvania to prevent the illegal Trade carried on by Scotchmen & others in vessells belonging to New Eng<sup>d</sup> & pensilvania"; that the Governors of all the Plantations should be under oath, and that in the Courts of Admiralty to be erected in all the Colonies there should be appointed a Judge, a Register, and a Marshal, besides the Attorneys General;<sup>303</sup> and he added, at the request of the Commissioners

<sup>301</sup> *State Papers, Colonial, Board of Trade 2, Bundle C.* Randolph's Memorial to the Privy Council, 10 February, 1695-6, *post*.

<sup>302</sup> *State Papers, Board of Trade, Plantations General*, Vol. IV. p. 29. "Extract of Presentment from Commissioners of Customs. Their Excellencies the Lords Justices in Council, 23 July, 1696," *post*.

*Ibid.*, p. 37. "Mr. Randolph's List of the Names of the present Gov<sup>rs</sup> of the American Plantations; some appointed by the Crown, others by the Owners of Proprieties putt out & removed by them at pleasure, others annually Elected." 29 July, 1696, *post*.

There was so much smuggling between France and England that "whole fleets of boats with illicit cargoes passed and repassed between Kent and Picardy, and all the inhabitants of the south eastern coast were in the plot." See *History of England*, by T. B. Macaulay, ed. 1861, Vol. V. p. 48.

<sup>303</sup> *State Papers, Board of Trade, Plantations General*, 4 (53). "Proposals humbly offered for the more effectually putting in Execution the Act for preventing frauds & regulating abuses in y<sup>e</sup> plantation Trade by Ed. Randolph." 31 July, 1696, *post*.

Commissioners of Customs, a list of suitable persons for those positions, but "there can be no Establishment of Courts of Admiralty in the Bahama Islands Carolina or in any other of the Proprieties untill there be a regulation in the Com<sup>ms</sup>." <sup>304</sup> It being objected that there were Attorneys General in some of the Colonies, Randolph gave his reasons why they should be removed and others appointed in their places, his aim being to limit, as far as he could, the independence of the Plantations. <sup>305</sup> This was fully approved of by those in power in England, <sup>306</sup> but met with strong opposition from "the proprietors and agents of Carolina, Bahama Islands, Pensilvania, East & West Jerseys & Conecticot," as infringing on the rights of those Colonies who desired to be heard by counsel before the Attorney General's report should be sent in. <sup>307</sup> Randolph followed up his attack by presenting a memorial

<sup>304</sup> *State Papers, Board of Trade, Plantations General*, 4 (45). "The Names of Persons to be the Judges, Registers & Marshalls in the Courts of Admiralty & also of the Attornys Gen<sup>l</sup> in the following Colonies & provinces on the Continent of America." 31 July, 1696, *post*. See *Ibid.*, 4 (41), for list of vessels seized by him, *post*.

At this time the Church of England was re-established in Massachusetts. See *Diary of Samuel Sewall*. "26 July, 1696. We hear that Mr. Bullivant and Mr. Myles [Rector of King's Chapel in Boston] are come."

<sup>305</sup> *State Papers, Board of Trade, Plantations General*, Vol. IV. p. 113. "Randolph's further Proposals about Attorney Gen<sup>l</sup> in Provinces," 25 August, 1696, *post*.

<sup>306</sup> *Colonial Records of North Carolina*, Vol. I. p. 463. "To their Excellencies the Lords Justices," 7 Sept.

1696. The paper was signed by John Locke and others, *post*. The Lords Justices were appointed by the King to represent him during his absence on the Continent.

<sup>307</sup> *Massachusetts Historical Society Collections, Fifth Series*, Vol. VIII. p. 332. Papers relating to the appointment of law officers in American Colonies. 13 October, 1696, *post*.

About this time a communication was sent by Andrew Hamilton, Governor of the Jerseys, and Postmaster General to the Governor and Council of Pennsylvania, requesting that a road "running to the King's road" should be laid out, so as to connect with the ferry across the Delaware, for the convenience of the post and travellers going to Philadelphia. See *Pennsylvania Colonial Records*, Vol. I. p. 498. October 28, 1698.



memorial requesting that the Attorney General should make his report, as two men of war were on the point of sailing for Virginia and Maryland, carrying custom house officials for America, and it was necessary that Attorneys General for the Plantations should be appointed speedily.<sup>308</sup> In a few days came another memorial, stating that the officers for the new courts in the Plantations were ready to sail, but as the executive heads of the Proprietary Colonies still favored illegal trade, the Acts of Navigation could not be executed until fit Governors were appointed with the approbation of the Crown. Randolph even insinuated that those Colonies were aiming at independence, and "have been long endeavoring to breake loose & set up for themselves," but as the grants "of those vast tracts of lands were made for the Benefit of the Crowne," they should be reduced to a dependence upon England and to a conformity with the laws of the Kingdom.<sup>309</sup> A third memorial followed, expressing his desire to obtain leave to prove his allegations against the Governors of the Proprietary Colonies, and urging the necessity of his immediate departure with the new custom house officials to the Plantations, "where my services are absolutely necessary to see the Acts of Trade and Navigation, especially relating to the Scotch Act, duely executed."<sup>310</sup> Although urgent to leave,

<sup>308</sup> *State Papers, Board of Trade, Plantations General*, Vol. IV. p. 158. "Randolph's Memorial concerning Attorneys Genl, 30 October, 1696," *post*.

<sup>309</sup> *New Jersey Archives, First Series*, Vol. II. p. 116. "Memorial of Edward Randolph, Surveyor, etc. to the Commissioners of his Majesty's customs on illegal trade in the Proprieties. 10 November, 1696," *post*.

<sup>310</sup> The Colonial Navigation Act was passed in the session of 1695-6, and was called an Act for preventing frauds regulating abuses in the Plantation and Trade, 7 and 8 William III. ch. xxii. Governors neglecting to take the required oath and neglecting to enforce the Acts were to be removed and pay £1,000. Naval officers in the Plantations to give security. Custom officers, etc.,

leave, it was nearly a year before he was able to set sail, strong opposition being made to his plan of establishing Courts of Admiralty, and increasing the authority of the Crown in the Plantations.<sup>311</sup> To the plea of the Proprietary Governments that they had authority by their Charters to erect Courts of Admiralty, and that attorneys general were already provided, Randolph proposed that the new attorneys general to be commissioned under "the Privy Seale or Great Seale" should also be constituted Advocates by warrant from the Admiralty.<sup>312</sup> His suggestion that the Proprietors

etc., if sued or molested, to plead the general issue. £500 penalty for making or using a false certificate. "All places of trust in the Courts of law, or what relates to the Treasury of the said islands shall from the making of this Act be in the hands of the native born subjects of England, Ireland or of the said islands," which excluded the Scotch. No goods to be landed in Ireland or Scotland except such as had paid duty in England, Wales, or Berwick on the Tweed. Lands in the Plantations to be granted only to natural born subjects of England, Ireland, Dominion of Wales, or Berwick upon Tweed, unless special permission should be obtained, etc.

For the Scotch Act, see note 299. Under Cromwell the Scots had had freedom of trade. "His navigation laws imposed no restraint on the trade of Scotland." See *History of England*, by T. B. Macaulay, ed. 1861, Vol. III. p. 202. See *New Jersey Archives, First Series*, Vol. II. p. 131, for a Memorial of Edward Randolph to the Lords of Trade, 9 December, 1696, *post*.

<sup>311</sup> *Ibid.*, p. 133. "Memorial of the Lords Proprietors Agents and others of the Provinces of Carolina, Bahama Islands, Penſylvania, East and West Jer-

sey and Conecticott in America. There are Severall Clauses in their respective grants and charters which (as they are advised) Import and Imply a Grant of ye admirall Jurisdiction and power of Erecting the said Courts and Constituting Judges and officers thereof in the said Provinces." 16 December, 1696. Fitz-John Winthrop protested for Connecticut against the scheme for consolidating several colonies into one military district as violating the rights of that Colony, objecting "that the Governor and Company of Connecticut by their Charter had expresse power to assemble martial array and putt in warlike posture the inhabitants of the said colony and to commissionat officers, etc.; that the imposing a generall over them with power to lead and carry men out of the said colony is contrary to the said charter," etc. 4 February, 1696-7. See *Massachusetts Historical Society Collections, Fifth Series*, Vol. VIII. p. 337.

<sup>312</sup> *State Papers, Board of Trade, Plantations General*, Vol. IV. pp. 300-307. Randolph's list of Names for advocates, &c., 3-4 March, 1696-7, *post*. Also *Ibid.*, p. 328. Randolph to Secretary Popple, 17 March, 1696-7, *post*.

prietors of the Proprietary Colonies should enter into bonds for the faithful performance by their Deputy Governors of their duties in obeying "such directions as shall be sent to them by his Ma<sup>y</sup> or other p<sup>r</sup>son acting by his authority pursuant to the Acts of Trade relating to the Plantations," met the approval of the Attorney General, who prepared a form of bond for that purpose.<sup>313</sup>

Having received from the Commissioners of Customs orders to see that Perth Amboy in East New Jersey and Burlington in West New Jersey should be used as the only ports of entry in those Provinces, information being sent that "persons attempt to Runn into private Creeks and harbors where there are noe officers,"<sup>314</sup> Randolph set sail from Cowes on the 8th of November, 1697, being freed from the fear of capture by French men of war or privateers, the treaty of Ryfwick having been signed in September, and arrived at Annapolis in Maryland on December 16th. Almost immediately after his landing he appointed, with the approbation of Governor Nicholson, collectors and inspectors for Maryland, and administered the required oath to the Governor himself;<sup>315</sup> he then administered, by proxy, the oath to Governor

<sup>313</sup> *New Jersey Archives, First Series*, Vol. II. p. 138. From Attorney General Trevor to Secretary Popple, enclosing form of Bond to secure the performance of their duties by Deputy Governors in the Provinces. 9 April, 1697.

<sup>314</sup> *Ibid.*, p. 178. Letter from the Commissioners of Customs to Mr. Randolph, Surveyor General of Customs in America, relative to the establishment of the Ports of Perth Amboy and Burlington, 21 October, 1697, *post*.

<sup>315</sup> A commission had been sent to Francis Nicholson, Governor of Maryland, to appoint Judges, Registers, Marshals, and Advocates for the Court of Admiralty for Maryland, Pennsylvania, and New Jersey. See *Colonial Records of Pennsylvania*, Vol. I. p. 533. 26 June, 1697.

Nicholson was transferred from Maryland to Virginia in 1699. See *Narrative and Critical History of America*, Vol. V. p. 660.

Governor Andros, sending commissions for deputy searchers and collectors in Virginia and North Carolina, as by his instructions he was to be in Philadelphia within a prescribed time, and ordering at the same time that suits should be brought on all forfeited bonds. Leaving Annapolis on March 2d, he reached Philadelphia, by the way of Chester, after a week's travelling, made difficult by the melting of the ice and snow, and on the 17th "administred y<sup>e</sup> oath to Mr. Markham, M<sup>r</sup> Penn's Deputy Gov<sup>r</sup>, and Demanded all forfeited bonds." Two being delivered to him, he wished "to put them in Suite, but David Lloyd, a Quaker, y<sup>e</sup> Attorney Gen<sup>l</sup> refused to doe itt. Neither would M<sup>r</sup> Marckham appoint Another Person to prosecute them. He also Refused to deliver y<sup>e</sup> bonds of sev<sup>n</sup> persons which I had Discovered were Forfeited."<sup>316</sup> Before Randolph had reached Philadelphia the Governor and Council of Pennsylvania had asserted that they were not privy to any Scotch or Dutch trade, "but if any such has been & escap't unpuneshet, It may rather be attributed to the Connivance or neglect of those officers appointed by Edward Randolph to inspect these things, for wee can say that the magistrates & Courts of Justice have been ready & diligent upon all occasions to punish, suppress & discourage all illegal trade, that came to their knowledge. As to imbracing of pirates, some of Avery's crew sojourned for a small time in this place, but no pirates' ships ever came in here; it is evident that the complaints are the effects of the envy and emulation of those, who by such unfair and indirect

<sup>316</sup> *State Papers, Board of Trade*, Randolph's Narrative of his Survey. 5 *Plantations General*, 5 (D. 49). Ran- November, 1700, *post*.

indirect means would accomplish their designs ag<sup>t</sup> this government." <sup>317</sup> Finding that he could not obtain justice, Randolph "was forced to make up w<sup>th</sup> y<sup>e</sup> other Colec<sup>t</sup><sup>r</sup> upon as good terms as he could." Before leaving Philadelphia he gave a commission to Matthew Birch to be Surveyor and Searcher of the Customs in Pennsylvania, on March 25th, <sup>318</sup> and a few days later, upon his return from Burlington, where he had administered the oath for enforcing the Acts of Navigation to Governor Basse of the Jerseys, he made Captain John Jewell Surveyor and Searcher. <sup>319</sup> Randolph complains in vigorous terms of his treatment in Philadelphia, denouncing Mr. Markham, the Governor, as a friend to pirates, his daughter being married to one, and although he finally took the oath, he objected strongly, wishing to make an affirmation only, as all Quakers do. He asserts that witnesses in Pennsylvania will not take an oath, and the colonists maintain that the proviso put by Mr. Penn into their law permitting affirmations "that no person shall be excused from Swearing who by the Acts of Parliament for Trade & Navigation

<sup>317</sup> *Colonial Records of Pennsylvania*, Vol. I. p. 528. "Att a Council held at philad. die Jovis, 10 February, 1697-8, W<sup>m</sup> Markham, Esq., Governor," etc.; also *Life of William Penn*, by Janney, p. 413. The authorities denied that there was an illicit trade.

<sup>318</sup> *Ibid.*, p. 503. Commission to Matthew Birch to be Surveyor & Searcher of the Customs in Pennsylvania, 25 March, 1698, recorded 29 March, *post*. Mr. Birch was made "Collector of Customs at Newcastle by the Lords Commissioners of his Ma<sup>ties</sup> Treasurie." *Ibid.*, p. 534, under date of 29 March, 1698.

<sup>319</sup> *Colonial Records of Pennsylvania*,

Vol. I. p. 505. Commission to Captain John Jewell to be Surveyor and Searcher in Pennsylvania, 15 April, 1698.

On the 30th of May was passed "An Act for preventing of frauds & regulating abuses in trade within this province of Pennsylvania and Counties annex't," so that the execution could be enforced under a local law. *Ibid.*, p. 522.

In England the Quakers were allowed to make a solemn affirmation and declaration, instead of taking an oath in the usual form. See *Revised Statutes*, 7 & 8 William III. ch. xxxii., 1695.

Navigation are or shall be required to take an Oath," was never intended to be enforced in the Province, consequently it will be impossible to carry out these acts. The Quaker government is very arbitrary, and the inhabitants show their independence of the Crown, "not acknowledging his Ma<sup>y</sup> William the third to be their Sovereign Lord and King." The Proprietary Colonies must be made to submit; to that end royal Governors should be sent, and the Lords Proprietors in England should be obliged to give bonds of good security to the amount of two or three thousand pounds for the due execution of the Laws of Navigation, which, although ordered, has never been done. He regrets that his recommendation about attorneys general had not been carried out, but hopes that such officers will in future be appointed, his failure in Philadelphia being to a great extent due to the lack of a prosecutor chosen by the Crown.

Not finding in Philadelphia a vessel sailing for Bermuda, which island he was next to visit according to his instructions, and the frigate Swift, which was to have transported him from Colony to Colony, having been wrecked on the coast of North Carolina, and then completely destroyed by the inhabitants, Randolph went, on April 22d, to New York, where he engaged passage on a ship that was to sail in about a month. Taking advantage of this enforced delay he examined the custom house books, and "took an Acc<sup>t</sup> of all y<sup>e</sup> Enumerated Commodities Imported there from his Maj<sup>ties</sup> other Plantacons; and Directed y<sup>e</sup> Officers That none of them should for y<sup>e</sup> Future be ship'd off to New found Land as had been y<sup>e</sup> practice there, and in other plantacons. I found a Great Trade Carry'd on from thence by y<sup>e</sup> Dutch

to Curasaw & Madagascar." He reported that the Earl of Bellamont, Governor of New York and Massachusetts,<sup>320</sup> was zealous in the discharge of his duties, and was then on the point of despatching the frigate Fowy to suppress piracy in the South, but unless two or three light frigates should be sent to New York, "lying in the center of all the proprieties," piracy could not be suppressed or illegal trading prevented. Unless force is employed, "all the Acts of Parliam' & his Maj<sup>ties</sup> Lett<sup>rs</sup> to those Goven<sup>rs</sup> will signifie no more then old Gazetts." <sup>321</sup> "It will be a reproach to the Governm' that after his Ma<sup>ty</sup> has by his Victorious Armies subdued his Insulting Enemys & brought the blessing of Peace to England, That Mr. Penn should so farr p'vaile upon persons of Hon' to Joyne with him to promote the setting up of little comonwealths in his Maj<sup>ties</sup> Dominions abroad." <sup>322</sup>

## Hearing

<sup>320</sup> *History of England*, by T. B. Macaulay, ed. 1861, Vol. V. p. 196. "In 1695 Richard Coote, Earl of Bellamont, an Irish Peer, was appointed Governor of New York and Massachusetts. Before Bellamont sailed for America, William spoke strongly about the freebooting, which was the disgrace of the colonies. I send you, my Lord, to New York, he said, because an honest and intrepid man is wanted to put those abuses down."

<sup>321</sup> *State Papers, Board of Trade, Plantations General*, Vol. IV. p. 669. Randolph's letter to Secretary Popple, New York, 25 April, 1698, *post*, Also *Board of Trade, Plantations General*, 4 (662). Randolph's letter to the Board from New York, 26 April, 1698, *post*, printed in *New York Colonial Documents*, Vol. IV. p. 300.

*Revised Statutes of England*, Vol. I. p. 756. Act for the more effectual sup-

pression of piracy. Commissioners to try pirates in the plantations, or prisoners to be sent to England for trial. Governors of the plantations to assist the commissioners. 11th William, Ch. VII. 1698-99. In 1687-8, January 22, James II. had made Sir R. Holmes commissioner for the suppression of Pirates and Privateers. An Act was passed to punish Governors of Plantations in the Kingdom for crimes by them committed in the Plantations. 11th William, Ch. XII. 1698-99.

<sup>322</sup> *State Papers, Board of Trade, Plantations General*, Vol. IV. p. 698. "Randolph to Benj<sup>n</sup> Bathurst, New York, May y<sup>e</sup> 12<sup>th</sup> 1698, ' *post*."

Deputy Governor Markham was incensed at the accusations made by Randolph against Pennsylvania, that shipments were constantly made to Scotland; that bribes were taken, and that "pennsylvania is become y<sup>e</sup> greatest refuge & shelter

Hearing of a vessel at Amboy in East Jersey that had unloaded goods before being registered, Randolph went from New York and seized her on May 18th, bringing her to New York for trial. This led to a controversy between the two Governors, Governor Basse complaining that no ship seized within his jurisdiction ought to be carried to New York.<sup>323</sup> Not only did Randolph lose the suit, paying damages, but he was arrested on the 19th for having previously seized a vessel in Virginia, and was at the expense of defending himself in court. Before leaving New York, he wrote, at the request of one of the principal traders at Albany, to the Board urging that the boundary lines between the French and English Colonies should be definitely settled, as the

shelter for pirates & Rogues in America y<sup>e</sup> Gov<sup>r</sup> giving y<sup>m</sup> Commissions." He called before the Council "John Moor, a practitioner in Law at the Courts of this province. The Gov<sup>r</sup> told him y<sup>t</sup> he understood y<sup>t</sup> Esq<sup>r</sup> Randolph had named him to act as attornie General on behalf of his ma<sup>y</sup> & told him that hee had sent for them to qualifie him to act accordingly in that station, & put in Suit some plantation bonds & other actions, y<sup>t</sup> Esq<sup>r</sup> Randolph intended to prosecute. The said Jn<sup>o</sup> Moor refused because Esq<sup>r</sup> Randolph had required him to prosecute persons to Judgm<sup>t</sup> & Execucon in Cases where hee, the said Jn<sup>o</sup> Moor, Conceived y<sup>t</sup> hee y<sup>e</sup> s<sup>t</sup> Esq<sup>r</sup> Randolph himself was not Impowred to discharge." See *Colonial Records of Pennsylvania*, Vol. I. p. 519. May 19, 1698.

<sup>323</sup> *New Jersey Archives, First Series*, Vol. II. p. 235. Earl of Bellamont to the Lords of Trade, 1 July, 1698. "I thought he [Gov. Basse] was so well satisfied that there would be no dispute

but that the Jerseys should submit to the Court of Admiralty of New Yorke; and soon after a ship was seized there by Mr. Randolph and tried in the Court of Admiralty here."

The papers relating to the trial being confided by Mr. Randolph to the custody of the master of the ship, they were thrown into the sea, the master telling the Commissioners of the Customs "that being in distress in his Passage home, he threw M<sup>r</sup> Randolphs Pacquet over board, amongst other things." See *Ibid.*, p. 252. Secretary Sanfom to Secretary Popple, 20 February, 1698-9.

Governor Basse had suggested to Secretary Popple that a small fortification should be erected on Sandy Hook, "which would doe better Service for preventing Smuggling than the more chargeable maintenance of a Man of Warr. I have communicated this to Esq<sup>r</sup> Randolph, the Surveyor Gen<sup>l</sup>, who seems much to approve of it." See *Ibid.*, p. 215. April, 1698.



the French were encroaching constantly and engrossing the Indian trade. By the treaty of peace the French were to go back to their own limits, and not take possession of the head waters of the chief rivers within the English line. Their presence was a perpetual menace.<sup>324</sup> Sailing from New York on May 21st, he reached Rhode Island in three days, where, as he reports, he found the colonists planting tobacco, and as the governing power is "in the hands of Quakers & Anabaptists, neither Judges, Juryes nor witnesses are under any [sworn] obligation, so that all things are managed there according to their will & Interest. An attempt being made by Mr. Brenton to erect a Court of Admiralty under the commission from England, Governor Walter Clark would not allow it, telling the Assembly, then in session, that it would utterly destroy their Charter, which empowered the colonists themselves to establish such a court with the proper officers. Not long before my landing eight Pyrates came from Fishers Island (belonging to y<sup>e</sup> p<sup>re</sup>sent Govern<sup>r</sup> of Connecticut Colony) with a great deal of money & East India Commodities which they brought in their Brigantine from Madagascar. They fled upon the arrival of the frigate Fowly, but two were captured who were put in prison for only two nights, one of the Governor's Uncles giving security for their release. Pirates are openly countenanced. The people of property groan und<sup>r</sup> the oppression of this Lawless Govern<sup>t</sup>, who wish to be putt under His Maj<sup>ties</sup> immediate Govern<sup>t</sup> or annexed to the Province of Massachusetts Bay ;  
till

<sup>324</sup> *State Papers, Board of Trade, daries, New York, May 16, 1698, post.*  
*Plantations General*, Vol. IV. p. 673. Extract printed in *New York Colonial*  
 Randolph to the Board about Boun- *Documents*, Vol. IV. p. 311.

till that's done, 'tis not possible to suppress illegal trade & Piracy. Their unfitness to govern themselves is demonstrated by their Ignorance in making & their arbitrary execution of their Laws." <sup>225</sup>

Randolph reached Boston on the 26th, where he was informed that within the last three months no less than fourteen vessels had sailed to Newfoundland, and that "Major Waite Winthrop one of y<sup>e</sup> Councill, a Practitioner in Physick, is appointed y<sup>e</sup> Judge of y<sup>e</sup> Court of Admiralty instead of M<sup>r</sup> Nathaniel Byfield who is strict for y<sup>e</sup> Observa<sup>ce</sup>on of y<sup>e</sup> Acts of Trade, And had therefore a Commission Under y<sup>e</sup> Great seale of y<sup>e</sup> Admiralty sent him for that place, besides Maj<sup>r</sup> Winthrop is y<sup>e</sup> Proprietor of Elizabeth Island from whence y<sup>e</sup> Tobacco brought thence from Virginia is Carry'd to Scotland; and Alsoe that Hugh Shannon a Great Promoter of y<sup>e</sup> Illegal Trade is made y<sup>e</sup> Naval Officer, So that now all Matters are contriv'd for Carrying on y<sup>e</sup> Illegal Trade there w<sup>th</sup> security, several of y<sup>e</sup> Memb<sup>r</sup>s of y<sup>e</sup> Councill being chiefly Concern'd therein." This was disheartening after all his efforts in Massachusetts. From Boston he travelled to New Hampshire, examining on the way the accounts of the deputy collector at Salem. Arriving at New Hampshire on June 13th, he found that trading was carried on with Newfoundland from that Province, as well as from the other Colonies. Returning to Boston, he sailed for New York on June 20th, in order to examine the coast, and especially the islands near Rhode Island, where European goods were exchanged

<sup>225</sup> *State Papers, Board of Trade*, trading in Rhode Island, Boston, 30 *Plantations General*, Vol. V. (C. 17). May, 1698, *post*, printed in *Rhode Island Colonial Records*, Vol. III. p. 339.

exchanged for tobacco brought from the South and then shipped directly to Scotland, Holland, and Hamburg. He landed on Fisher's Island, "about one League off y<sup>e</sup> mouth of New London River that belongs to Col. Fitz Winthrop then y<sup>e</sup> Gov<sup>r</sup> of Conneticot Colony; There is but one House upon it; The more Convenient to Conceale prohibited Goods." He found there evidence of illegal trade in the shape of "packing cloath and Color'd calicoe."<sup>326</sup> Returning to New York on July 1st, Randolph was refused passage on the vessel he had expected to take for Bermuda, the master having taken on board "a Great Quantity of East India Goods," and evidently fearing that Randolph would act as an informer. The Earl of Bellamont then promised to place the frigate Fowy at his disposal, but upon her return from Rhode Island she was ordered to proceed at once to England. On the 19th, Randolph went again to Philadelphia and "press'd M<sup>r</sup> Markham to appoint a Court for Tryal of Deplovys bond, But 'twas deny'd. I was Affronted by Patrick Robinfon y<sup>e</sup> Se<sup>c</sup>ry of the province grossly, For saying in my papers to y<sup>e</sup> R<sup>t</sup>

<sup>326</sup> See *History of Newfoundland*, by Daniel W. Prowse, London, 1895, for an account of the trade between New England and Newfoundland.

Fitz-John Winthrop wrote from New London, 1 July, 1698, to William Blathwayt: "I may safely assure y<sup>e</sup> hon<sup>r</sup> that as to the Acts of Trade & Navigation this govern<sup>t</sup> has never yet made any trespass upon them, or ever given incouragem<sup>t</sup> or Countenance to robbers or pirates." See *Massachusetts Historical Society Collections, Fifth Series*, Vol. VIII. p. 344.

A determination having been come to in England to exact quit-rents of the in-

habitants of Connecticut, Mr. Winthrop wrote, 9 June, 1698, to Andrew Hamilton, expressing "their resentment of the demand; the people here, strangers to many customs and usages in England and Scotland, have a strange notion and fright of the word quit rent: and being the successors to the first planters, who so long time since ventured their lives and spent considerable estates, for which they have yet no fitting compensation, do think it the hardest thing in the world to have any difficulty laid upon their lands so dearly purchased." See *Ibid.*, Vol. IX. p. 194.

R<sup>t</sup> Hon<sup>ble</sup> y<sup>e</sup> Lords Co<sup>m</sup>ittee of y<sup>e</sup> house of Lords, That he was a Scotchman. I went on the 30<sup>th</sup> to M<sup>r</sup> Markham's house, & Enquired whether M<sup>r</sup> Penn had sent him his Majties Order in Councill Approving him to be y<sup>e</sup> Liv<sup>t</sup> Gov<sup>r</sup> [a new commission received from Mr. Penn] of that province, before his Entering upon y<sup>e</sup> Governm<sup>t</sup> he told me 'twas not my business to ask him that Question. He then demanded of me Deplovy's & Clarks bonds which I had left w<sup>th</sup> Co<sup>t</sup> Quarry<sup>327</sup> to be p<sup>er</sup>secuted so soon as y<sup>e</sup> Court of Admiralty sat. He Co<sup>m</sup>mitted me to y<sup>e</sup> Custody of a Constable & Threatened to keep me in prison till he had the bonds in his keeping, whereupon being Unwilling to be stop'd [on] my Journey to New Yorke I sent to Co<sup>t</sup>. Quarry for y<sup>e</sup> bonds who deliv<sup>d</sup> them to him, and I was at Liberty."

Returning to New York on August 2d, he waited vainly in hopes of obtaining a passage to the Bermudas, and finally failed in a small sloop to South Carolina. During his sojourn in New York he busied himself, as far as he was able, in the duties of his office, seizing shipments of tobacco and sugar, and appointing a collector at Lewes on the Delaware, instructing him to examine carefully the weight of tobacco shipped, "it having been a common practice for Masters of vessels after they have clear'd w<sup>th</sup> y<sup>e</sup> Colect<sup>r</sup> at Philadelphia to Lye at Dover or some other Creek, and have y<sup>e</sup> Tobacco brought on board them in small boats." He also wrote another

<sup>327</sup> *New Jersey Archives, First Series*, Vol. II. p. 280, note: "Robert Quarry was Governor of South Carolina in 1684 and 1690, and at one period intervening was Secretary of the Province.

He was afterwards Judge of the Admiralty in New York and Pennsylvania, and was a member of the Council of five of the Colonies at the same time. He died about 1712."

other urgent letter to the Board, saying, "as long as the Colonies of Road Island and Connecticut, the Province of East & West new Jerseys, of Pensilvania and Counties annexed and North Carolina adjoining to and intermixt amongst His Maj<sup>ty</sup> Plantations [do not submit to the Crown] 'tis Impossible that their Respective Govern<sup>rs</sup> can suppress the Scotch and other illegal trade: The Scotchmen now highly value themselves upon the Opini<sup>on</sup> of the Attorney and Sol<sup>l</sup> Gener<sup>l</sup> on the proviso in the Act for preventing Frauds &c. relating to Scotchmen.<sup>328</sup> The Inhabitants of the Province of Pensilvania have already by their Shamme Law utterly destroyed the design & Intent of the Act for preventing Frauds &c. and they question not but by M<sup>r</sup> Penns prevailing Interest to gett that Law passed in their Favour, w<sup>ch</sup> if so will be an admirable president [precedent] for all the Other Govern<sup>rs</sup> in the Propriety [Colonies] to pass the like law, and then they will be soon peopled, for many more of the Inhabitants of New York, Maryland & Virginia will settle amongst them, where all goods and Commodities are Exported and Imported Duty Free; without a naval force 100 acts of Parliament will avail nothing."<sup>329</sup> A few days later he wrote to Secretary Popple that

<sup>328</sup> *Opinions of Eminent Lawyers concerning the Colonies, etc.*, by George Chalmers, Vol. II. p. 362. "We are of opinion that a Scotchman is to be accounted as an Englishman, within the Act [for regulating abuses in the Plantation trade], every Scotchman being a natural born subject. Tho. Trevor, Jo. Hawles, 4 June, 1701." This was before the Act of Union of 1706, which gave to the Scotch all the commercial

privileges possessed by the English. Under date of 4 February, 1700, Evelyn writes in his *Diary*: "The Parliament voted against the Scots settling in Darien as being prejudicial to our trade with Spain."

<sup>329</sup> *State Papers, Board of Trade, Plantations General*, 5. (C. 18). Randolph's Letter to the Board relating to several of the Plantations. New York, 25 August, 1698, *post*.

that the "E: Bellamont is still indisposed with the Gout which yet prevents his Excell. Going to Boston. I observe here a great ferment amongst the trading people, because his Excell: has endeavoured to suppress the illegal Trade, which makes them dissatisfied. The Provinces of East & West Jersey are setting [up] for themselves & will not accept of M<sup>r</sup> Basse to be their Gov<sup>r</sup>: & he is laying down the Gom<sup>t</sup>. I am at last going to Carolina, from whence (if it please God I live & escape the pyrates) I shall send an Account of the present state thereof to their Lordships."<sup>330</sup> Leaving New York on November 4th, he reached South Carolina, after a dangerous voyage, on the 28th, and on December 13th administered the oath to Joseph Blake, the Governor.<sup>331</sup> Two weeks later he made an effort to establish a Court of Admiralty in the Province, appointing the necessary officers, but was not successful, there being "nothing done in it," as he reported. He then examined into the complaints made by Mr. Girard, the collector, who resigned his position, "being unwilling to serve any longer,"<sup>332</sup> Ag<sup>t</sup> M<sup>r</sup> Jno. Archdale y<sup>e</sup> late Gov<sup>r</sup> and M<sup>r</sup> Tho. Cary his deputy or Sec<sup>y</sup> of y<sup>e</sup> province for Encouraging & Countenancing Illegal Traders in that province,"

<sup>330</sup> *State Papers, Board of Trade, Plantations General*, 5. (C. 19). Randolph's letter to Secretary Popple, 12 September, 1698, *post*.

<sup>331</sup> In his letter to the Board, *supra*, he notices that the Governors only take the oath because they are afraid of forfeiting a thousand pounds if they refuse.

Sir Henry Ashurst wrote to Wait Winthrop from London, 15 October, 1698: "I wish you could finde some way to satisfie the government that the acts

of navigation shall not bee broken for the futur in New England, that you may get rid of thes fellows, that will in time I am affraid ruine you." *Massachusetts Historical Society Collections, Sixth Series*, Vol. V. p. 42.

<sup>332</sup> Peter Girard [Peter Jacob Guerard] reported to Randolph that the total number of French Protestants in Carolina was 438. See *History of South Carolina*, 1856, by William James Rivers, p. 447.

province," and found them to be true.<sup>333</sup> He describes the Province as thinly inhabited, "not above 1100 families English and French, and generally 4 negroes to 1 white man." They have been neglected by the Lords Proprietors, who did not send "one barrel of powder or one pound of lead" during the war with France. The inhabitants are much alarmed at the prospect of the French making a settlement at the mouth of the Mississippi, and if the King of Spain dies and St. Augustine falls into the hands of the French, Carolina will be menaced and probably attacked, as the Province was by the Spaniards, who claim the country occupied by the English. This ought to be guarded against by a sufficient force sent by the King, but the Lords Proprietors will do nothing. They have taken for themselves large tracts of land, preventing the settlement of the country, which ought to be encouraged by taking off the duty on rice and other commodities, and sending out a certain number of persons yearly, for there is no Colony that can be made more useful to the Crown on account of the abundance of tar and masts; besides, Charleston is the only harbor of refuge on the coast. The persons sent out becoming acclimated will "do more service by land and sea than new men raised at home." If encouraged by the King, one of the Council will head an expedition to explore the Mississippi

<sup>333</sup> Strict orders were given to the Lords Proprietors of Carolina on 22 January, 1698-9, that "y<sup>e</sup> Commander in Chief of our Province of Carolina doe informe himself of the Principall Lawes relating to y<sup>e</sup> Plantation Trade vizt: those of the 12<sup>th</sup> 14<sup>th</sup> 15: 22 & 23, and

25 of Charles II our most dearly Beloved Uncle of ever Blessed Memory, and y<sup>e</sup> Act for preventing fraudes and regulating abuses in y<sup>e</sup> Plantation Trade made in y<sup>e</sup> 7<sup>th</sup> and 8<sup>th</sup> of Our Reigne." See *Colonial Records of North Carolina*, Vol. 1. p. 496.

fippi and discover its mouth, which will probably take five or six months. "I have by the extreme cold last winter in Maryland and Pennsylvania & by my tedious passage in the Winter time from New York to this place, got a great numbness in my right leg & foot. I am in hopes this warm climate will restore me to my health. I humbly pray Your Lordships favour to direct that the little residence I am to make in these parts of the World may be in this Province, & that a Vessel well manned may be sent me hither, which may answer all occasions, my intentions being not to lye idle, for when the Hurricane times come in these parts of the World, I can go securely to Virginia, Maryland & Pennsylvania & New England. I am going from here to Bermuda and then hasten to the Bahama Islands."<sup>334</sup> A few days before leaving, on March 27th, for Bermuda, he wrote a confidential letter to the Earl of Bridgewater, which was, however, communicated to the Board, saying he had been informed that his Lordship with Mr. Blathwayt and others were interested in discovering and opening mines of gold and silver in the Province, and that James Moore, the Secretary, had proposed to explore the mines known by hearsay to exist, but must first be assured of protection against the Lords Proprietors, who would certainly seize the one fourth part of the ore belonging to his Majesty,<sup>335</sup> and  
turn

<sup>334</sup> *History of South Carolina*, by William James Rivers, p. 443. E. Randolph to the Lords of Trade, 16 March, 1668-9, *post*.

<sup>335</sup> By the Charter of Carolina, 1665, one fourth part of all the gold and silver ore discovered was reserved to the Crown. "Yielding and paying yearly

to us our heirs and successors for the same the fourth part of all gold and silver ore, which within the limits hereby granted should from time to time happen to be found, over and besides the yearly rent of twenty marks and the fourth part of the gold and silver ore in and by the said written letters Patent reserved



turn him out of his official position, if it should become known that he was caring for the interests of the Crown, in preference to theirs. This was a matter of great importance to the interests of the King, and as "I have been for many years alwayes ready to serve y<sup>e</sup> Crown, if your Lord<sup>sh</sup> please to command, I will attend at Whitehall. I am very sensible, it will be necessary in many respects." <sup>336</sup>

Reaching Bermuda on April 4th, he waited on Governor Day, who refused to have the oath administered to him, saying that he had already been sworn in England. Mr. Trott, the Collector, informed him that Isaac Richeir, the late Governor, carried on an illegal trade with Scotland, "which at my second Arrival in Bermuda I found fully prov'd." Expecting to leave for Providence, one of the Bahama Islands, in a few days, he placed some of his luggage on board of a brigantine, which, however, sailed without notice being given to him, carrying off his property. While waiting for another vessel, Mr. Trott, the Collector, died, and on May 15th <sup>337</sup> Randolph appointed Samuel Spofforth to the vacant

reserved and payable." By the Charter of Virginia, 1606, one fifth of the gold and silver and one fifteenth of the copper were reserved. By the Charters of 1609 and 1611-12 the copper was omitted, but the gold and silver clause retained. Charter of New England, 1620, reserved one fifth of gold and silver. Charter of Massachusetts, 1629, reserved one fifth of gold and silver. That of 1691 added one fifth of the precious stones. The Charters of the other Colonies contained the clause concerning gold and silver ore. *Charters and Constitutions of the United States*, edited by Ben. Perley Poore.

<sup>336</sup> *History of South Carolina*, by W. J. Rivers, p. 447. Ed. Randolph to the Earl of Bridgewater, Charleston in South Carolina, 22 March, 1698-9, *post*.

<sup>337</sup> About this time Wait Winthrop wrote to Fitz-John Winthrop, showing the feeling of the Massachusetts colonists of the want of their former independence, "the repeale of the act for incorporating Harvard College because the King was not named visitor, and of the law which constituted Courts of Judicature, because all things were to be tryed by a jury of twelve men not excepting the courts of admiraltye. The letters came in the midst of the business of our

vacant office, and "went with him to be sworne by the Govern<sup>r</sup>, But we were both Treated with Bitter and Reviling Language," the Governor claiming that he had by his commission the right "to place and displace Officers of y<sup>e</sup> Customs as he pleased," as had been done by his predecessors. According to the testimony of Mr. Spofforth, the Governor called Mr. Randolph "old Dogg, old Rogue, Villain, Rascall &c. threatening to pull off his Nose and to make his Body smart; Although M<sup>r</sup> Randolph seemed undisturbed, answering without heat or Passion." The next day, being summoned before the Council, Randolph was carried to the "common Goale where he was kept above 32 weeks under strict Confinem<sup>t</sup>. Roger Crane y<sup>e</sup> Sheriffe (the Governours near kinsman) did demand of M<sup>r</sup> Randolph the sum of thirty pieces of Eight, otherwise if he refused to give him the Money he swore he would put him into the Nasty Dungeon, where he should see neither Sun, Moon nor Starrs, which he the Prisoner was forced to comply withal for fear of perishing. Then the Sheriff did Oblige M<sup>r</sup> Randolph to give from under his hand That the afore said money was not forced or Extorted from him, but y<sup>t</sup> he the prisoner freely and voluntarily gave it to him as a Gratuity for his Kindness and Civility." After a time, by a writ of *habeas corpus*, Randolph was bailed out of prison, but he was no sooner discharged than the Governor had him arrested and imprisoned a second time. He was then in a few weeks "brought to y<sup>e</sup> Barr as the worst of Criminalls," the Governor sitting  
on

our Superior Court, and so dissolved us, which was a greate difappointment to many people there being neer forty ac- tions depending." See *Massachusetts Historical Society Collections, Fifth Series*, Vol. VIII. p. 551.

on the bench, overawing the Court and silencing the prisoner when he attempted to defend himself. The Court fined him fifty pounds, and upon non-payment Randolph was again put in prison. His friends now offered to pay the amount provided he was first allowed to leave the island, they fearing that, if the money should be paid, he would again be committed to prison. This condition was refused. The authorities in England hearing, in the mean time, of his confinement, the Lords Justices ordered his release, the order being received at the island on December 22d, but it was not until the 3d of January that his imprisonment ended, he refusing absolutely to pay the fine. Not deterred by the hostility of the Governor, on the very day of his release he seized a vessel of which Governor Day was part owner, and brought an unsuccessful suit against her in the Court of Admiralty on the 9th.<sup>338</sup> Sailing in a sloop from Bermuda on March 2d, he reached the island of Providence in eight days, "pumping y<sup>e</sup> whole voiage nigh 300 Leagues for our Lives," the vessel having sprung a leak almost immediately upon leaving port. The day after landing he administered the oath to Read Elding, the Deputy Governor, who "is by some charg'd with piracy committed upon a Brigantine

<sup>338</sup> *State Papers, Board of Trade, Plantations General*, Vol. V. (E. 13). "Randolph's Deposition ab' his Imprisonm't, 31 January, 1699-1700," *post*. The troubles continued in Pennsylvania: "Att a Council held att philadelphia die Mercury 24 Januarie 1699-1700. Col. Quarry said y<sup>t</sup> goods that had been imported Contrarie to y<sup>e</sup> Laws of Trade, had been seized by the King's collectors, & put in his majes. store, and y<sup>t</sup> before

trial Anthonie Morris signed a writ of replevin, w<sup>by</sup> the s<sup>t</sup> goods were forcibly taken out of y<sup>e</sup> s<sup>t</sup> store. Question whether his Ma<sup>ty</sup> or y<sup>e</sup> s<sup>t</sup> Anthonie has most power." See *Colonial Records of Pennsylvania*, Vol. I. p. 545. See *Ibid*, p. 594, for the acts against piracy and irregular trade. Mr. Penn, "absolute Proprietor," was present at the meeting of the Council, 10 February, 1699-1700.

antine of New Engl<sup>d</sup> bound from Jamaica to Boston with money," etc. Having appointed a collector in place of one who was not to be depended upon, and given orders that certain vessels should be seized, he "fail'd in a very small Sloop to Exuma distant 60 Leagues from providence" on April 14th, where remaining two weeks, he reached Carolina on May 10, "having Narrowly Escap'd y<sup>e</sup> Pyrates being not Above 7 or 8 Leagues to y<sup>e</sup> Southw<sup>d</sup> of y<sup>e</sup> Harbour that day we gott in."

Finding it extremely difficult to obtain a full account of the Plantation commodities imported into each Colony, Randolph sent from Charleston, South Carolina, by the way of Boston, a circular to "all y<sup>e</sup> Collect<sup>rs</sup> on y<sup>e</sup> Continent to make a particuler and Exact Entry of all Enumerated Commodities Imported into their Respective Districts from any of his Ma<sup>ties</sup> other plantations, Making thereby one Collect<sup>r</sup> to be a check upon another." He again complained of the arbitrary conduct of Governor Blake, and of his unfairness in the matter of seizures. "Finding no Opportunity of Goeing from Carolina to Virginia (as I always intended) I went to Bermuda in hopes to get a passage from thence not having as yet Visited Virginia nor North Carolina. I arriv'd at Bermuda July 1<sup>st</sup> where finding no Likelihood of Getting from thence to Virginia till next spring (and that by Accident) They haveing plenty of Indian Corne I took the present opportunity of a vessel bound directly to England, In order to Get to Virginia before the Winter sets in upon that Coast, Or otherwise Where and When as to y<sup>r</sup> Lordships shall seem most necessary for his Ma<sup>ties</sup> service."

vice.”<sup>339</sup> He was not ordered to return to America immediately, as he expected, but remained in England about two years, assisting those who wished to break down the Proprietary Governments. His representations of the condition of the Colonies, and of the conduct of the Governors appointed by the Lords Proprietors and of those elected by the people in Connecticut and Rhode Island, had great weight with those in authority in England, leading finally to the preparation of a bill in Parliament to deprive the Colonies of their partial independence. The arguments used formerly against Massachusetts were now repeated against the other Colonies, especially against Pennsylvania. In November he presented to the Lords Commissioners for Trade a long paper, dealing with the loss of revenue from tobacco, and suggesting remedies. He proposed, among other things, that the sheriff in every county where tobacco was raised should demand from the planters the exact quantity grown each year; that the custom house officers should see that it was carefully weighed, and that an additional export duty of a penny on the pound should be laid. As to the trading which was constantly carried on with Newfoundland, in spite of the commands to the contrary given by the Commissioners of the Customs, that island having become “a staple for all European and Plantation Commodities,” he suggested that masters of ships engaged in that trade should be put under bonds of £1000, to observe the Acts of Trade. No Governor or Custom House official should be a merchant or own any part of a trading

<sup>339</sup> *State Papers, Board of Trade*, 5 November, 1700, received 6 December, *post*.  
*Plantations General*, 5 (D. 49). Randolph's Narrative of his Survey, dated

trading vessel. No Governor should have power "to Imprison or Suspend any of the Officers of his Maj<sup>ty</sup> Customs (Except in Case of Felony, Murder or Treason proved). The fees in the Court of Admiralty and special Courts in the plantations for Trying seizures and forfeitures and all matters Relating to the Crown should be Regulated, being at present to [too] Extravagantly high. Little notice, however, is taken of the Acts of Trade in the proprietries, where the Illegal Trade is Carried on more than formerly, And will Increase Till all the proprietries are brought under his Maj<sup>ty</sup> Immediate Governm<sup>t</sup>." <sup>340</sup>

William Penn, hearing that his government was being vigorously attacked, wrote to his correspondent, "Hinder Randal [Randolph] our Enemy, a knave &c. from returning; has plaid many pranks; was p<sup>r</sup>ogative's tool to Destroy N. Eng<sup>l</sup><sup>d</sup> Charter; occasioned my disputes 5 yeares; treated w<sup>th</sup> y<sup>e</sup> Pirates for pardons. I send an original Lett<sup>r</sup> of his to W. Clark w<sup>th</sup> whom he dispensed w<sup>th</sup>out an Oath, tho' he made that charge against us; S<sup>r</sup> R. Southwel was his protect<sup>r</sup>, & w<sup>n</sup> I left Lond<sup>n</sup> his great Enemy for business. At what a pass are prop<sup>r</sup> Govern<sup>mts</sup>, who, unless they will run their heads ag<sup>st</sup> the wall are in danger of being quo warranto'd by the late Act ag<sup>st</sup> Piracy. 'Tis a great Affront & Injustice that my waters should be under another Vice Adm<sup>ty</sup>; to talk of a County and no waters, or prop<sup>r</sup> or palatine & no vice admi<sup>ty</sup>, nor to be L<sup>d</sup> of y<sup>e</sup> Waters has a contradiction

<sup>340</sup> *State Papers, Board of Trade, Plantations General*, Vol. V. (D. 48). from Tobacco, &c. To the Right Hon<sup>ble</sup> the Lords Comm<sup>rs</sup> for Trade." 5 November, 1700, *passim*.

tion in it. Y<sup>e</sup> Judge [Colonel Quarry] affirmed the Court had more power here than in England. If a Ch. [churchman] come in play he is favoured. Coll. Quarry &c. with their artful Letters, helped by the Bp. of London & Gov<sup>r</sup> Nicholson would not suffer it [to have matters settled] — Church is their Cry and to disturb us their Merit, whose labours have made the place; they misrepresent all we doe, & would make us dissenters in our own Contrey; they must have all, and what they do not attempt in State, they do boldly in y<sup>e</sup> pulpit. Endeavour to keep up y<sup>e</sup> hearts of y<sup>e</sup> Jersey Prop<sup>r</sup> not to give up y<sup>e</sup> Governm<sup>t</sup>. Give R. West a guinea now and then. I fear him in y<sup>e</sup> Surrender of y<sup>e</sup> Jerseys, he has always profest friendship, put him in mind of it.”<sup>341</sup>

Continuing his attacks, Randolph complained, not only of the illegal actions of the Governors,<sup>342</sup> but laid great stress on the incapacity of the Plantations to defend themselves in case of hostilities. The Southern Colonies and islands are, he said, threatened by the Spanish, and the Northern by the French. In Pennsylvania, for instance, there is no militia, although Mr. Penn upon the restoration to him of his government

<sup>341</sup> *Charter for the Province of Pennsylvania*, 1681: “If any of the inhabitants of the said Province to the number of Twenty shall at any time hereafter be desirous, and shall by any writing or by any person deputed for them signify such their desire to the Bishop of London that any preacher or preachers to be approved of by the said Bishop may be sent unto them for their instruction, that then such preacher or preachers shall and may be and reside within the said

Province without any deniall or molestation whatsoever.” See *Pennsylvania Archives*, Vol. I. p. 140. Wm. Penn to Lawton, 1700.

<sup>342</sup> *State Papers, Board of Trade, Plantations General*, Vol. V. (D. 54). From Randolph: “The names of Several Govern<sup>rs</sup> who have wittingly and willingly Broak the Acts of Trade and have thereby forfeited to his Maj<sup>ty</sup> 1000*l*. 3 Feb<sup>r</sup> 1700-1,” *post*.

ernment promised " that the Militia of the Province should be effectually fettled to defend his Ma<sup>ties</sup> subjects against all Enemyes; the government is in the hands of Quakers and it is against Quakers' Principles to make use of the Sword. About the 28<sup>th</sup> of August 1698 a Pyrate landed robbing the Inhabitants and plundering a town, they wrote an Expres to M<sup>r</sup> Markham their Governor, And pray'd him to send a sufficient number of men to releive them. He caused the Drums to beat to raise Volunteers but could gett none to goe, although there are a great many stout men in the province; a small frigatt should be sent out to guard Pensylvania and West Jersey from Pyrates and break the neck of the Illegall Trade never more practised than since M<sup>r</sup> Pens Arrivall. The Provinces of East and West Jersey have no Militia, neither has Rhode Island which is in the hands of Quakers and which the Buccaneers resolved to occupy permanently some years ago. In Pennsylvania the government actually threatened to imprison those who wished to sign a petition to the home authorities for means of defence w<sup>ch</sup> put a stop to the presenting it. Connecticut would easily fall a prey to the French, if they should once obtain possession of Albany, and although Massachusetts has great Numbers of men fitt to bear Armes and they have a settl'd Militia through the whole Province and some of the Council, and others being Church members are made the Cheif officers, not one of them all know how to draw up and exercise a foot company, as they ought. The Rebuilding the ffort at Pemaquid in the province of Maine has been often discourfed of, But the Bostoners, thro' whose neglect it was taken by the ffrench and Indians, have not money to doe it."



it."<sup>343</sup> To remedy the existing condition of affairs Randolph proposed that the Lords Proprietors should be required to send out guns and ammunition in sufficient quantities, and that both Lieutenant Governor Stoughton of Massachusetts and Lieutenant Governor Partridge of New Hampshire should be replaced by military men.<sup>344</sup> A few days later he presented to the Board two papers, one giving an account of the loss to the revenue by the trade in sugars, cotton, wool, etc., carried on between the English West India islands, and the neighboring islands belonging to the Dutch and Danes,<sup>345</sup> and the second containing suggestions to prevent the evil. The suggestions were generally the same as those already proposed, with the addition that the Chief Justice in each Plantation should be appointed by the Crown; that all depositions taken before a Governor and properly authenticated should be valid in the courts at Westminster; that all custom house officers, when sued, should have the privilege of pleading the general issue, which had been denied to him; "that the *Habeas Corpus Act* be in as full force to all intents and Purposes in all his Majesty's Colonies

<sup>343</sup> In his letter to the Lord Privy Seal, 23 July, 1689, Randolph accused the Massachusetts people of neglecting the Province of Maine, but Hutchinson says, "The authority at Boston were equally anxious for the protection and defence of the people, as if they had been within the colony and sent out forces for their relief." See *History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 396.

<sup>344</sup> *State Papers, Board of Trade, Plantations General*, Vol. V. (E. 2). Randolph concerning ill condition of

Colonies, "To the Right Hon<sup>ble</sup> the Lords Com<sup>rs</sup> for Trade. 5 March, 1700-1," *post*.

<sup>345</sup> *Ibid.*, Vol. V. (E. 5.) From Randolph. "A paper humbly presented showing the great loss his Majesty yearly sustains in his Provinces upon Sugars, Cotton, Wool, Indico &c., which are carried from Barbadoes, Jamaica, and other his Majesty's Carriby Islands to small Plantations near them belonging to the Dutch. 17 March, 1700-1," *post*.

Colonies and Plantations, as is now in England," to prevent arbitrary imprisonment which is inflicted at the pleasure of the Governors, he having suffered much at the hands of the Governor of Bermuda; that all Governors should give bonds not exceeding £5,000 to indemnify the inhabitants of their Plantations for harm done them by the executive authority.<sup>346</sup> In a week's time he presented a written complaint, called "Articles of High Crimes and Misdemeanours," against all the Colonies, although principally aimed at the Proprietary Governments. It is a summary and a repetition of his former accusations, embracing all the Plantations on the continent, as well as the islands adjacent, his object being to exhibit the Colonies in such a light as to make apparent the necessity of their complete submission to the Crown.<sup>347</sup> The Lords of Trade seconded Randolph's efforts by petitioning, almost immediately, the King to reassume into his own hands the government of the Proprietary and Charter Colonies, giving not only the reasons already adduced, but also because the Plantations were building up "woolen and other manufactures proper to England; that they made laws repugnant to those of the realm; that they denied appeals to the

<sup>346</sup> *State Papers, Board of Trade, Plantations General*, Vol. V. (E. 6). Randolph wishes no Governor to be a Trader, etc. "Proposals more General Humbly offered for Regulating Trade in all his Majesty's Plantations on the Continent of America, And also in All his Majesty's Islands in the West Indies." 17 March, 1700-1, *post*.

<sup>347</sup> *New Jersey Archives, First Series*, Vol. II. p. 358. Crimes and Misdemeanours charged upon the Gov-

ernors of the Proprietary Governments in America: Articles of High Crimes, etc. 24 March, 1700-1, *post*.

*Colonial Records of North Carolina*, Vol. I. p. 545. "An abstract of my paper humbly presented to the Right Hon<sup>ble</sup> the Lords Commiss<sup>rs</sup> for Trade shewing the high crimes and encreasing misdemeanours and mall administrat<sup>ns</sup> of the Governors in the severall Proprieties on the Continent of America and Islands adjacent," *post*.

the King in Council; they raise and lower the value of coin from time to time to their own advantage and to the loss of other Colonies; that they aim at independency; and some (particularly the Colonies of East and West New Jersey) are no otherwise at present than in a state of Anarchy and Confusion. Therefore to make them duly subservient and useful to England, your Majesties frequent commands not meeting with due compliance, we humbly conceive it may be expedient that the Charters of the severall Proprietors and others intitling them to absolute Government be re-assumed to the Crown."<sup>348</sup> Upon this petition was introduced into

<sup>348</sup> *Colonial Records of North Carolina*, Vol. I. p. 535:—

"To the King's most Excl<sup>d</sup> Majesty.  
— May it please &c.

"Having formerly on severall occasions humbly represented to your Majesty the state of the Government under Proprietors and Charters in America; and perceiving the irregularities of these Governments dayly to increase, to the prejudice of Trade, and of your Majesties other Plantations in America, as well as of your Majesties Revenue arising from the Customs here, we find ourselves obliged at present humbly to represent to your Majesty;

"That those Colonies in general have no ways answered the chief design for which such large Tracts of Land and such Privileges and Immunities were granted by the Crown.

"That they have not conformed themselves to the severall acts of Parliament for regulating Trade and Navigation, to which they ought to pay the same obedience, and submit to the same Restrictions as the other Plantations, which are subject to your Majesties immediate Government, on the contrary in most of

these Proprieties and Charter Governments the Governors have not applied themselves to your Majesty for your approbation, nor have taken the Oaths required by the acts of Trade, both which Qualifications are made necessary by the late Act for preventing frauds and regulating abuses in the Plantation Trade.

"That they have assumed to themselves a power to make Laws contrary and repugnant to the Laws of England, and directly prejudicial to Trade, some of them having refused to send hither such Laws as they had enacted, and others having sent them but very imperfectly.

"That diverse of them have denied appeals to your Majesty in Council, by which not only the Inhabitants of those Colonies but others your Majesties subjects are deprived of that benefit, enjoyed in the Plantations, under your Majesties immediate Government, and the Parties aggrieved are left without remedy from the arbitrary and Illegal proceedings of their Courts.

"That these Colonies continue to be the refuge and retreat of Pirates & Illegal

into the House of Lords a bill "for reuniting to the Crown the Government of severall Colonies and Plantations in America," and Mr. Randolph received orders to "follow that

gal Traders, and the receptacle of Goods imported thither from foreign parts contrary to Law: In return of which Commodities those of the growth of these Colonies are likewise contrary to Law exported to Foreign parts; all which is likewise much encouraged by their not admitting appeals as aforesaid.

"That by raising and lowering their coin from time to time, to their particular advantage, and to the prejudice to other Colonies, By exempting their Inhabitants from Duties and Customs to which the other Colonies are subject, and by Harboursing of Servants and fugitives, these Governments tend greatly to the undermining the Trade and Welfare of the other Plantations, and seduce and draw away the People thereof; By which Diminution of Hands, the rest of the Colonies more beneficial to England do very much suffer.

"That these Independent Colonies do turn the Course of Trade to the Promoting and propagating woollen and other Manufactures proper to England, instead of applying their thoughts and Endeavours to the production of such commodities as are fit to be encouraged in these parts according to the true design and intention of such settlements.

"That they do not in general take any due care for their own defence and security against an Enemy, either in Building Forts or providing their Inhabitants with sufficient Arms and Ammunition, in case they should be attacked, which is every day more and more to be apprehended, considering how the French power increases in those parts.

"That this chiefly arises from the ill use they make of the powers entrusted to them by their Charters, and the Independency which they pretend to, and that each Government is obliged only to defend its self without any consideration had of their Neighbours, or of the general preservation of the whole.

"That many of them have not a regular militia and some (particularly the Colonies of East and West New Jersey) are no otherwise at present than in a state of Anarchy and Confusion.

"And because the care of these and other great mischiefs in your Majesties Plantations and Colonies aforesaid, and the introducing such an administration of Government and fit regulation of Trade, as may put them into a better State of Security and make them duly subservient and usefull to England, does every day become more and more necessary, and that your Majesties frequent Commands to them have not met with due compliance: We humbly conceive it may be expedient that the Charters of the severall Proprietors and others intitling them to absolute Government be reassumed to the Crown and these Colonies put into the same State and dependency as those of your Majesties other Plantations, without prejudice to any man's particular property and freehold. Which being no other wise so well to be effected as by the Legislative power of this Kingdom.

"Wee humbly submit the same to your Majesties Royall consideration.

"Stamford, Lexington, Ph: Meadows,  
W<sup>m</sup> Blathwayt, John Pollexfen,  
Abr. Hill, Math: Prior.

"Whitehall, March 26, 1701."

that matter."<sup>349</sup> To prevent, if possible, the passage of the bill, William Penn returned to England, and joining with others succeeded in having it postponed, although the bill had been read twice in the House of Lords.<sup>350</sup> It becoming evident that no action would then be taken, the Board of Trade requested Mr. Randolph to obtain from such witnesses as would not be able to attend the next session of Parliament "their affidavits that may be material before a Master in Chancery, and to lodge 'em here which he promised to do accordingly."<sup>351</sup> Thinking that he might be ordered to return at any time to the Plantations, he prepared and sent in a Memorial praying that his past services and sufferings might

<sup>349</sup> *Colonial Records of North Carolina*, Vol. I. p. 538. The Lords of Trade to the Lords of the Treasury, April 29, 1701, *post*.

<sup>350</sup> *Life of William Penn*, by S. M. Janney, p. 445. "He [William Penn] learned from the letters of friends that strenuous endeavours were used by several united interests to procure an act of Parliament for annexing to the crown the several proprietary governments, for which purpose a bill was then before the House of Lords, which had been twice read, and though not likely to pass that session, there was no hope of staying it off longer than the next, unless the proprietary would make his appearance in person, and answer the charges brought against his government by evil minded persons. His friends in England urged the necessity of his coming with as little delay as possible: he reluctantly consented to leave his adopted country to appear once more at his old post near the British Court."

Sir Henry Ashurst writes from Kensington, 5 May, 1701, to the "Hon<sup>ble</sup>

Leftenant Generall Wait Winthrop Esq. at Boston; I hear you have lost y<sup>r</sup> laite Governor my Lord Bellamont and y<sup>r</sup> friend M<sup>r</sup> D. [Dudley] is making interest to be Governor. I am now so ingaged to hinder a bill that takes away the power of electing Governors in Connecticut & giving power to the King to choose a Governor. I have bin heard at the Lords house upon my petition, & they have allowed mee to bee heard at thar barr by my counsel against the bill upon Thursday next; and by this you may guess at the reasons why thar was complaints against that Colony. Randall [Randolph] told me hee wondered I would concerne my self about New England that had turned me of so latly when he could witnes I had ten year served you as if you had bin my wife and children." *Massachusetts Historical Society Collections, Sixth Series*, Vol. V. p. 84.

<sup>351</sup> *Colonial Records of North Carolina*, Vol. I. p. 538. Whitehall, June 11th, 1701, *post*.

might be taken into consideration, as the Board had expressed a favorable opinion of his official conduct, and compensation be made to him, his expenses having been great in procuring maps and obtaining information which he had forwarded from time to time.<sup>352</sup> His services, however, were still needed in England,<sup>353</sup> it being understood that a

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<sup>352</sup> *State Papers, Board of Trade, Plantations General*, 5 (E. 13). Randolph's Memorial relating to his services and sufferings. 20 June, 1701, *post*.

The Earl of Bellamont, in a letter to the Lords of Trade, from New York, 22 June, 1698, had spoken of Randolph as "a diligent officer." See *New York Colonial Documents*, Vol. IV. p. 321.

<sup>353</sup> *Massachusetts Historical Society Collections, Sixth Series*, Vol. III. p. 69. Letter of Sir Henry Ashurst to Fitz-John Winthrop, 5 May, 1701: "Randall [Randolph] hath something to acquaint the Lords that you said of him." *Ibid.*, p. 75, same to same: "Lond. July 10, 1701. After I had pressed to be heard about y<sup>e</sup> boundaries, and also about y<sup>e</sup> appeales, and that I might have coun-cill to attend y<sup>e</sup> Lords of y<sup>e</sup> Trade to defend my memoriall, I was told they were busy & could not attend it. I thought then there was Something a brewing by y<sup>e</sup> old friends Mr D. [Dudley] & Mr. Rand. [Randolph], and one Bals came in that was to do all y<sup>e</sup> busi-ness at once, by contriving that Act of Parl. a copie whereof is here inclof'd, which as soon as I heard of, I put in this inclof'd petition to y<sup>e</sup> Lords and was heard by my Councill against y<sup>e</sup> Bill at the Lords barr, and by an interest I made in y<sup>e</sup> Lords House, it was stopped. But Rand: [Randolph] brought people to sweare at y<sup>e</sup> Lords barr severall mal-administrations of y<sup>e</sup> power, refusing to obey a warrant of my Lord Bellamont to come for prohibited goods,

and many other things too long for me to relate, being quite tyred in opposing Dudley's going to New England, which hath been at the bottom of all. The hardships that have been attempted against you, God forgive him in y<sup>e</sup> service. I have inclosed y<sup>e</sup> order of Coun-cill, all hatched by y<sup>e</sup> friend Mr. D. [Dudley]. Mr. Blathwaite said if I would acknowledge y<sup>e</sup> King's right of appeals, they would then discourse with me of y<sup>e</sup> reasonableness of this appeal. I would not acknowledge any thing or right, which was not settled by law. The Attorney Generall and Solicitor (who are both my friends) told me they must say all y<sup>e</sup> King's subjects have a right of appeals; and it is so inherent in y<sup>e</sup> Crown, that they cannot give it away. But then they were of opinion that it should be very seldome used, and upon great occasions. It is necessary you come or send some against next sessions of Parl. that may give me & y<sup>e</sup> House all satisfaction in answer to all of Rancall [Randolph], and to assist me to defend you against y<sup>e</sup> Bill."

An abstract of the petition referred to is as follows: "There is a Bill depending before y<sup>e</sup> Lordships intituled an Act for reverting to y<sup>e</sup> Crown y<sup>e</sup> Government of severall Colonies and Plantations in America which will make null and void y<sup>e</sup> Charter of Connecticut. The inhabitants of y<sup>e</sup> said Colony were never accused of any mal-administration, piratical or unlawfull Trade," etc.

new bill against the Plantations was to be brought in the next session of Parliament.<sup>364</sup> In anticipation, however, of his departure, he prepared a draft of directions to be given him by the Board, ordering him to send information of any neglect of duty of the naval officers or Collectors or Governors to the Board, as well as to the Commissioners of Customs, "that all due care may be forthwith taken for the Regulation of the same."<sup>365</sup> After an interval of nearly a year another Memorial was presented to the Board by Randolph, showing the "defects in the acts of trade, and proposing a method to render them more effectually in the plantations."<sup>366</sup> In the meanwhile King William had died, 8th March, 1702, and had been succeeded by Princess Anne, whose accession to the throne had, however, no effect upon the official position of Randolph, who still assailed the Plantations as vigorously as ever,<sup>367</sup> and who was gratified to learn that

<sup>364</sup> *Massachusetts Historical Society Collections, Sixth Series*, Vol. III. p. 89. Sir Henry Ashurst to Wait Winthrop and others. 10 July, 1701. "W<sup>th</sup> [the Bill] will certainly bee set on foot next sessions of Parliament." Sir Henry writes to Fitz-John Winthrop, 1 November, 1701: "I must be y<sup>s</sup> winter prepared against another attempt upon yo<sup>r</sup> Charter by Act of Parliament. Insolent Randall [Randolph] Bais & D. [Dudley] & an other nameless friend, was & are very active gentlemen against all propriety governments." *Ibid.*, p. 85. William Penn wrote to James Logan, 4th of 11th month, 1701: "In some respects I am not without good hopes of a tolerable conclusion, tho' it will not be obtained without charge and pains. Those who seek to ruin the proprietaries, they say, will renew their bill, but try the com-

mons first this time." *Life of William Penn*, by S. M. Janney, p. 455.

<sup>365</sup> *State Papers, Board of Trade, Plantations General*, Vol. V. (E. 16). Randolph's Draft of Directions to be given him by Board. 24 July, 1701, *post*.

<sup>366</sup> The title and indorsement of the Memorial alone remain. See *Board of Trade, Journal*, Vol. XIV. p. 407. Memorial from Mr. Randolph about the Acts of Trade, 10 April, 1702, *post*. *State Papers, Board of Trade, Plantations General*, Vol. V. (E. 34). 13 April, 1702, *post*. *Board of Trade, Trade Papers*, No. 15, p. 427. 13 April, 1702, *post*.

<sup>367</sup> *Massachusetts Historical Society Collections, Sixth Series*, Vol. III. p. 62. Sir Henry Ashurst to the Governor and Assembly of Connecticut: "I am not discouraged for some great people's

that on the 15th of April the government of the Provinces of East and West Jersey was surrendered to the Crown.<sup>358</sup> This was a blow to William Penn, who however managed to obtain a promise from the Lords of Trade that hereafter all complaints against the Plantations should be sent to the accused parties, so that "nobody may be murdered in the dark."<sup>359</sup>

It being necessary to appoint a royal Governor for New Jersey,

people's telling me that while I'm asserting y<sup>e</sup> right I am appearing against y<sup>e</sup> prerogative." 5 February, 1701-2.

*Life of William Penn*, by S. M. Janney, p. 458. Penn writes: "I perceive by the votes of to-day, the House of Commons have ordered the state of the plantations to be laid before them. And just now a lawyer sends me word he is offered to be feed against me by Col. Quarry, who has now come to do us all the mischief he can." 1702.

<sup>358</sup> *New Jersey Archives*, Vol. II. p. 450. Surrender of the Government of East and West Jersey to the Crown. 15 April, 1702. There had already been propositions and petitions for surrender. See *Ibid.*, Vol. II. p. 380, *et seq.*

The Attorney General Northey and Solicitor General Harcourt gave their opinion that the Queen, having a right to govern all her people, may resume a government under a royal charter that had been abused; that she could name a governor at any time, complaints having been made by Col. Dudley of trouble in Massachusetts, and disorders in Rhode Island and Connecticut. *Opinions of Eminent Lawyers*, edited by George Chalmers, Vol. I. p. 32.

Sir Henry Ashurst wrote to Fitz-John Winthrop, Governor of Connecticut, in March, 1702-3: "If it had not been for a certain person, you had neither been troubled with appeals in generall, nor

with this particular one of Hallam; but now there is no remedie. The Councell, since y<sup>e</sup> King's death, have order'd appeals in all cafes from all y<sup>e</sup> Plantations without exception. Col. D. [Dudley] hath got a commission over all y<sup>e</sup> militia, under restrictions not to call out yours when it is necessary for your own preservation. If New England had sent an Address to me not to have had him their Governour, he had never come." *Massachusetts Historical Society Collections, Sixth Series*, Vol. III. p. 119.

<sup>359</sup> *Life of William Penn*, by S. M. Janney, p. 458: "The Jerseys' surrender is an ugly preface; however, there is a higher hand to which I look. The Lords of Trade have promised me to receive no complaints, without the party sending them, give them to the party they are sent against, upon the spot, for their answers, in the nature of bill and answer in chancery, that nobody may be murdered in the dark. A great reformation relief, and for which American governments owe me their goodwill."

Penn wrote to the Commissioners of Customs, 1702: "The difficultyes y<sup>e</sup> merchants of Pennsylvania lye under in their Trade are soe many, y<sup>e</sup> should they not be removed, commerce in y<sup>e</sup> Collony must drop." *Pennsylvania Archives*, Vol. I. p. 149.



Jersey, Colonel Hamilton was proposed, being favored and supported by the Quakers, while Randolph and his friends opposed the choice.<sup>360</sup> In the meanwhile Colonel Quarry, backed by Randolph, denounced William Penn before the Commissioners for Trade and Plantations for having appointed water bailiffs, thereby assuming admiralty jurisdiction, and for not having kept his promise to settle a militia in his Colony. Penn replied he was assured by the best lawyers, that by his Charter he had power to appoint such officers, and that he had never promised to settle a militia.<sup>361</sup> A few days later Randolph prepared and submitted to the Board

<sup>360</sup> *New Jersey Archives, First Series*, Vol. II. p. 413. Secretary Popple to Sir Thomas Lane, Knt., 28 May, 1702, *post*. Reply of several of the Proprietors of New Jersey to the complaints against Andrew Hamilton, 3 June, 1702. See *Ibid.*, p. 475, *post*.

Ex-Governor Basse opposed Hamilton, urging as one of the reasons that no Scotchman could be Governor of a Colony according to the Act for preventing Frauds and regulating Abuses in the Plantation Trade, which excluded the Scotch from all offices of trust. Attorney General Trevor had, however, given his opinion, 2 February, 1698-99, that Hamilton, although born in Scotland, was to all intents and purposes a natural born subject of the Crown, and therefore qualified. See *Ibid.*, Vol. II. p. 250.

At a meeting of the Commissioners on 16 June, 1702, Col. Quarry and Mr. Randolph were requested to place before the Board complaints against Col. Hamilton's mismanagement. See *Board of Trade Journal, Entry Book*, Vol. XV. p. 89. "Surveyor General Randolph to the Lords of Trade adverse to Andrew Hamilton." See *New Jersey*

*Archives, First Series*, Vol. II. p. 481, *post*. Lord Cornbury was made Governor of New Jersey, 5 December, 1702, but did not receive his commission in New York until some time after.

<sup>361</sup> *State Papers, Board of Trade Journal, Entry Book*, Vol. XV. pp. 53-60. "Whitehal, June the 1<sup>st</sup>, 1702. At a meeting of Her Majesty's Commissioners for Trade and Plantations," *post*.

In 1708 Solicitor General Montague gave his opinion that the Governors of the Plantations had the exclusive right to appoint naval officers. *Opinions of Eminent Lawyers*, edited by George Chalmers, Vol. I. p. 166. For the opinion of Attorney General Northey, in 1702, on the admiralty jurisdiction in the Colonies, see *Ibid.*, p. 187, and on p. 193 is found the opinion of Sir John Cooke upon the same subject. By the Act for preventing Frauds and regulating Abuses in the Plantation Trade, the Lord Treasurer, Commissioners of the Treasury, and Commissioners of the Customs are given power to appoint officers of the customs in all the Plantations, and all laws in the Colonies inconsistent with the Act were declared null and void.

Board a paper of complaints against Mr. Penn, whom he called "the pretended Governor of the Three Lower Counties on Delaware Bay," alleging that he was disqualified for the position, not having received the approval of the Crown, that he had made laws destructive and repugnant to the Acts of Trade, but encouraging to the illegal traders, and that Mr. Markham, the late Deputy Governor, had defrauded the Crown.<sup>302</sup> The dispute was still unsettled when Mr. Randolph, having made his last Will and Testament in anticipation of his seventeenth voyage to the Plantations,<sup>303</sup> "acquainted the Board, on the 24th of June, that he is now upon his departure for America and desired that he may be favourably remembred in case any opportunity offer of procuring him some Employment which may afford him a Competent Subsistence in England; Whereupon their Lordships, assuring him of their readiness to assist him as may be proper for them, desired him in his absence from hence to continue his Correspondence as formerly."<sup>304</sup>

Carrying with him hopes that his past services, sufferings, and trials would soon induce the authorities in England to order

<sup>302</sup> *State Papers, Board of Trade Proprieties*, Vol. VI. K. 5. Edward Randolph to Board of Trade. "Articles ag<sup>t</sup> William Penn, Esq<sup>r</sup> pretended Govern<sup>r</sup> of the Three Lower Counties on Delaware Bay in America, 16 June, 1702," *post*; also *Board of Trade Journal, Entry Book*, Vol. XV. pp. 90, 91. "Whitehal, June 17, 1702. At a meeting of her Majesty's Comm<sup>n</sup> for Trade and Plantations," *post*.

<sup>303</sup> *Historical Papers* by C. W. Tuttle, p. 280. Edward Randolph's Will, 15 June, 1702, *post*.

<sup>304</sup> *State Papers, Board of Trade*

*Journal*, Vol. XV. p. 100. "Whitehal, June 24<sup>th</sup> 1702. At a meeting of Her Majesty's Comm<sup>n</sup> for Trade and Plantations," *post*.

In *Journal, Entry Book*, Vol. XV. p. 55, an appeal made to Mr. Randolph is mentioned 1 July, 1702. *Proprieties Entry Book*, Vol. XXVIII. p. 102. "Board of Trade, rep<sup>n</sup> to the Queen, mentions certificate from Surv<sup>r</sup> Gen<sup>l</sup> of customs in America," 7 July, 1702. In *New England*, Vol. XII. N. 12. Col. J. Dudley to Board, 11 Feb. 1702-3. Refers to a Memorial presented to the Lords by Mr. Randolph.

order his recall to his native land, Randolph reached America in the latter part of 1702 or the early part of 1703. No official papers or letters written by him after his arrival have as yet been found, but Colonel Quarry, who was acting as Surveyor General, wrote to the Commissioners of Customs in October, 1703, that two vessels had been seized by Mr. Randolph since his arrival, one in Maryland, which led to a suit for damages being brought against him, and "the other a little before his death on y<sup>e</sup> Eastern Shore in Virg<sup>a</sup>."<sup>365</sup> Colonel Quarry had received information from Colonel Nicholson that "Edward Randolph, Esq. dyed in April last on y<sup>e</sup> eastern shore,"<sup>366</sup> and according to Cotton Mather<sup>367</sup> he was buried there. The exact locality of his grave has not been discovered, the records of the churches in Accomac County, Virginia, having been destroyed by fire.<sup>368</sup>

<sup>365</sup> *State Papers, Board of Trade, Plantations General*, Vol. VII. F. 38. "Col. Quarry to the Comm<sup>rs</sup> of the Customs, 15 October, 1703," *post*.

<sup>366</sup> *State Papers, Board of Trade, Virginia*, Vol. X. K. 1. Col. F. Nicholson to the Board [undated], received 5 October, 1703, *post*.

<sup>367</sup> *Cotton Mather's Parentator*, 1724, p. 107. "Of Randolph, I said a good while ago, That I should have a farther Occasion to mention him. I have now done it; And that I may never mention him any more, I will here take my *Eternal Farewell* of him, with Relating, That he proved a *Blasted Wretch*, followed with a sensible *Curse* of GOD wherever he came; Despised, Abhorred, Unprosperous; Anon he Died in *Virginia*, and in such Miserable Circumstances, that (as it is said) he had only Two or Three *Negroes* to carry him unto his Grave."

<sup>368</sup> Letter to the editor from the Rev. John McNabb, dated 20 April, 1893, from King George C. H., Virginia.

In the *Legends of the Province House* Nathaniel Hawthorne gives a description of an imagined portrait of Edward Randolph, supposed to hang in one of the rooms, which shows the feeling of hostility existing among the Colonists of Massachusetts towards one whom they considered the destroyer of their liberties. "Our annals tell us that the curse of the people followed this Randolph wherever he went, and wrought evil in all the subsequent events of his life, and that its effect was seen likewise in the manner of his death. Within the antique frame, which so recently had enclosed a fable waste of canvas, now appeared a visible picture, still dark indeed in all its hues and shadings, but thrown forward in strong relief. It was a half length figure of a gentleman in

in a rich but very old-fashioned dress of embroidered velvet, with a broad ruff and a beard, and wearing a hat the brim of which overshadowed his forehead. Beneath this cloud the eyes had a peculiar glare which was almost life-like. The whole portrait started so distinctly out of the background, that it had the effect of a person looking down from the wall at the astonished and awe-stricken spectators. The expression of the face, if any words can convey an idea of it, was that of a wretch detested in some hideous guilt, and exposed to the bitter hatred and laughter and withering scorn of a vast surrounding multitude. There was the struggle of defiance, beaten down and overwhelmed by the crushing weight of ignominy. The torture of the soul had come forth upon the countenance. Such, if the wild legend may be credited, was the portrait of Edward Randolph, as he appeared when a people's curse had wrought its influence upon his nature."

After Randolph's death, Col. Quarry, supported by the adherents of the Church of England, continued his attacks against

William Penn, and a cry was raised in Pennsylvania, as had been done before in Massachusetts, that the Church was persecuted. Penn wrote to James Logan, 10th first month, 1703-4, "I offered the lords commissioners, the other day, either that we might be bought out, or have liberty to buy out our turbulent churchmen." See *Life of William Penn*, by S. M. Janney, pp. 459, 475. The encroachments of the Church of England were constantly dreaded. Gov. Trumbull of Connecticut wrote to Mr. Johnson, 12 December, 1769, "If the motion for a Bishop in the American Colonies is pushed, I trust you will use your influence to prevent his having authority to exercise spiritual jurisdiction over such who are not professors of the Church of England, and secular powers of any nature or kind whatsoever." *Massachusetts Historical Society Collections, Fifth Series*, Vol. IX. p. 390.

For the continuance of the illegal trade in different Colonies, see *Report of Col. Robert Quarry, 1768, in Massachusetts Historical Society Proceedings*, June, 1888.







## DOCUMENTS AND LETTERS.







## DOCUMENTS AND LETTERS.

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EDWARD RANDOLPH TO NAVY COMMISSIONERS.

*State Papers, Domestic*, Vol. XL. No. 41.

Hon<sup>ble</sup> S<sup>r</sup>

Yours of the 9<sup>th</sup> I received the 11 instant: In performance of the contents thereof I am going into the Wild of Kent, and such places as may w<sup>th</sup> most conueniency supply your wants: I doubt not but I shall procure a Considerable quantity in a short tyme being very well acquainted in those parts: Thus desiring fur to meritt your further fauour I shall assert my selfe here in to bee S<sup>r</sup>

Hon<sup>ble</sup>

your faithfull Seruant

EDWARD RANDOLPH.<sup>200</sup>

[*Addressed*]

August y<sup>e</sup> 12<sup>th</sup>  
1661.

<sup>200</sup> In 1635 Charles I. established by proclamation a Post Office for the regular transmission of letters on several of the principal roads of England, the service extending to Scotland, Ireland and the Continent. Three days were required to go from London to Edinburg. The cost of a single domestic letter was 2d. for the first eighty miles, the rates in-

creasing somewhat less in proportion to the increase of distance. To Antwerp 8d. and Paris 9d. See *The Fall of the Monarchy of Charles I.* by Samuel R. Gardiner, ed. 1882. Vol I. pp. 82, 83. See also *Hand-List of Proclamations, Bibliotheca Lindeiana*, under date of 31st of July, 1635, "Settling His Majesty's Post Office, London to Ireland, Edinburg



[*Addressed*]

for the Hon<sup>ble</sup>  
the Comissioners of  
the Navy



At their office in  
Seething Lane  
London

August att  
11 aClock att  
night.

[*Endorsed*]

12 August 1661  
M<sup>r</sup> Randolph.



### EDWARD RANDOLPH TO NAVY COMMISSIONERS.

*State Papers, Domestic*, Vol. CXC. No. 25. 2 Feb. 1666.

Right Hon<sup>ble</sup>

My vrrgent occasions in force me to write that which I am euen ashamed otherwise to relate. I haue been inforced to sell my land vpon which my timber grew for want of my money, & now am fled from my home & a wife very big w<sup>th</sup> child leauing a great family of seruants to their owne disposing now a fortnight agoe. my Creditors will for beare noe longer soe that I must either fly my country or starue in goale, I dare not returne home till I haue money to  
satisfy

Edinburg and Plymouth." In *Scobell*, p. 511, cap. 30, under date of 1656, is found the Parliamentary statute, Cromwell being Lord Protector, entitled "Postage of England, Scotland and Ireland sealed," appointing a Post Master

General, and giving the rates for domestic and foreign postage. For the "Act creating and establishing a Post Office," 12 Car. II. ch. 35 [1660] see *Keble's Statutes*.

fatisfy such whome my delays haue made deaffe to all entreaties of forbearance, I haue noe freind to releiue me in this sad condition: therefore I cast my selfe & all my con-  
cernes at your feet & humbly & earnestly craue y<sup>r</sup> assistance.

your humble seruant

feb: 2<sup>d</sup>

EDWARD RANDOLPH.

205. 10. 00.

[*Addressed*]

for the Right Hon<sup>ble</sup>  
y<sup>e</sup> Commis of  
the Nauy.

[*Endorsed*]

2 febr 66

M<sup>r</sup> Edw: Randolph for  
paiem<sup>t</sup> of his bill.

M<sup>r</sup> Randulph

EDWARD RANDOLPH TO THE DUKE OF RICHMOND.

*English Private Letters*, No. 21947, fol. 63, in the British Museum.

June 6. 1667

My Lord Duke

I am safely arriued at Edingburgh, but missed M<sup>r</sup> Browne: by M<sup>r</sup> Boreman I am informed that his coming this month is much questioned, soe that I am here not in a capacity of seruing your Grace as I intended, because he hath the letter of Attorney, & I haue nothing to shew at present, but haue wrote to M<sup>r</sup> Mafon for y<sup>e</sup> first Granted by y<sup>r</sup> Grace which I expect or another.

I am informed that we haue very eminent persons to deale w<sup>th</sup>all; wherefore that I may haue a cleare & speedy dispatch

<sup>570</sup> Another handwriting. See *Calendar of State Papers, Domestic*, 2 Feb. 1667, 205*l.* 10*s.* noted by [Pepys].

dispatch in Edingburgh, & also a safe passage into y<sup>e</sup> North,  
I beg your earnest letters to such of y<sup>r</sup> relations here as you  
can confide in in a business of profit that doth soe neer con-  
cerne your interest; & as I hope this will proue very advan-  
tageous, if wee be not delayed through corruption in this  
towne which I feare. Hoping to haue all y<sup>e</sup> speed & encour-  
agm<sup>t</sup> from your Grace, w<sup>th</sup> my humble seruice presented

I am alwayes your Graces  
humble seru<sup>t</sup>

ED: RANDOLPH.

Lord Bellargoun & S<sup>r</sup>  
John of Grant make great  
freinds to oppose this [dealing ?]

[*Addressed*] ffor his Grace y<sup>e</sup> Duke of Richmond  
& Lenox at his lodgings in Whitehall  
London

[*Endorsed*] M<sup>r</sup> Randolph. June 6. 1667.

EDWARD RANDOLPH TO THE DUKE OF RICHMOND.

*English Private Letters*, No. 21947, fol. 190, in the British Museum.

S<sup>r</sup>

Cromarty June 22. 1668.

May it please your Grace

I haue been some tyme arriued here, and find what I  
alwayes expected: M<sup>r</sup> Browne throwgh the secret conni-  
uance of y<sup>e</sup> family of y<sup>e</sup> Grants doth make it his busines to  
oppose all that haue any title or right to y<sup>e</sup> woods, being  
encouraged by such whose interest it is to stir vp a faction,  
that thereby y<sup>e</sup> woods may be preferued: it is the cheife  
designe of all proprietors, & I beg your Grace in their be-  
halfe to gett an order from y<sup>e</sup> Councill of Scotland that  
w<sup>e</sup>uer

w'euer pretences any haue against y<sup>e</sup> woods or any perticuler bargaine made by any pretended proprietor, that they lay not their arestment on y<sup>e</sup> woods nor our stock, but y<sup>t</sup> there may be a hearing before any of y<sup>e</sup> Lords of the Councill in Scotland, who shall haue power to determine all causes about the rights of y<sup>e</sup> woods. We haue 6000 trees feld, which I expect dayly to be arested vpon some perticuler contract either of M<sup>r</sup> Brownes or Arneales, who will hinder our carriing downe our tymber all this summer: all y<sup>e</sup> boards y<sup>t</sup> are left are arested on Brownes account; soe that our tyme y<sup>t</sup> wee should spend about carriing tymber will spend in tedious contentions at Law. Besides, it is expected y<sup>t</sup> all tymber transported hence should pay dutyes both here & at London, which I leaue to y<sup>r</sup> Grace to manage & preuent: pray secure for vs from y<sup>e</sup> Marqueesse of Hontley y<sup>t</sup> we may haue liberty for Landing tymber at y<sup>e</sup> mouth of Spey to whome it belongs.

All y<sup>t</sup> is expected for ruine of y<sup>e</sup> whole is y<sup>t</sup> wee should by some forceable meanes attempt Brownes ejectment, whome wee leaue to be disposed of by your Graces further order. I wish he were in England to make due satisfaction for y<sup>e</sup> damages done both to y<sup>r</sup> Grace & y<sup>e</sup> rest of proprietors. Could we but enjoy but a peaceable possession of y<sup>e</sup> woods I question not but to make the improuement answerable to y<sup>e</sup> expectation of all y<sup>e</sup> proprietors. Attending full orders for our quiett following y<sup>e</sup> Generall interest, w<sup>th</sup> my most humble seruice presented

I am alwayes y<sup>r</sup> Graces most humble  
& faithfull seru<sup>t</sup>

ED: RANDOLPH.  
[*Addressed*]

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*Edward Randolph.*

[*Addressed*]

ffor his Grace the Duke of Richmond and Lenox  
at Somerfet Houfe  
London.

[*Endorſed*]

M<sup>r</sup> Randolph  
Letter June 22. 68.

THE KING TO THE GOVERNMENT OF BOSTON, COMMANDING  
THEM TO SEND OVER AGENTS, & TO ADMIT ED. RANDOLPH  
IN COUNCIL.

*State Papers, Colonial, Bundle 52 (74), 10 March 1678.*

A true Copie.

His Ma<sup>ty</sup> letter to y<sup>e</sup>  
Maſſachuſets requiring  
them to ſend agent to  
anſwer for them here :

CHARLES REX

Truſty and welbeloved We greet you well. Wee have  
been, for a long time, ſollicitd by the Complaints of Our  
Truſty and welbeloved ſubjects Robert Maſon and Ferdi-  
nando Gorges, to interpoſe Our Royal Authority for their  
Releife, in the matter of their Claims, and the Right pre-  
tended by them to the two Provinces of New Hampſhire  
and Mayne in Our Territory of New England. Out of the  
poſſeſſion whereof they are kept, as they alleage, by the  
violence and ſtrong hand of Our ſubjects, the People of  
Boſton, and others of the Maſſachuſets Colony. The ſaid  
Petitioners have preſented to Us a very long deduction of  
all Proceedings from the beginning; as well in proof of  
their demands, as of the hardſhips they have undergone.  
And upon the debate of theſe matters before us in Council,  
Wee think it is high time to afford a ſolemne hearing to  
the

the Complaints of Our Subjects, and to see that Justice bee equally administred unto all. But forasmuch as noe man hath appeared before Us to make answer in behalfe of the said people Our Subjects, who are now under Your Command And that it is not agreeable to Our Royal Justice, to conclude anything on the hearing of one side, without the other bee called Wee have therefore directed that

to the Bostoners  
pursuant to  
order of Council. Copies of the two Petitions presented Us bee transmitted herewith unto you, That you may see and know the matters they conteine, and shew cause why Wee should not afford the Petitioners that Reliefe which is prayed for by them. Therefore Wee doe, by the advice of Our said Council, hereby command that you send over Agents, to appear before Us, in six months after your Receipt of these Our Letters, who, being fully Instructed, and sufficiently Impowred to answer for you, may receive Our

\* This was added  
to the former part  
prepared by the  
Committee by Mr  
S. Coventry pur-  
suant to His  
Majesties commands. Royal Determination in this matter depending for Judgement before Us. \* And to the end these Our Gracious Intentions for doing equall Justice to all Parties may be the better effected without any delay or frustration, We have thought fitt & doe hereby require & command, That this Our letter together with the forementioned Petitions herewith transmitted to you be read in Publick & full Council, And that Ed. Randolph by whom Wee send Our said letter with the Petitions bee admitted into the Council to heare the same Read there, he being by Us appointed to bring Us back y<sup>r</sup> answer, or render Us an account of your proceedings in this matter. And so Wee bid you farewell. Given at Our Court at  
Whitehall

Whitehall the 10<sup>th</sup> day of March 167 $\frac{1}{2}$  in y<sup>e</sup> 28<sup>th</sup> year of  
our Reign.

By His Ma<sup>ties</sup> Command.

Superscribed

To our Trusty &

Welbeloved

The Govern<sup>r</sup> & Magistrates

of Our Towne of Boston

In New England.

H. COVENTRY.

FROM ED. RANDOLPH, DESIRING INSTRUCTIONS.

*State Papers, Colonial, Bundle 52 (80), 15 March, 167 $\frac{1}{2}$ .*

New England.

Memoriall concerning m<sup>r</sup> Randolph:

M<sup>r</sup> Edward Randolph the Person employed to Carry his  
Ma<sup>ty</sup> Letter to New England, Desires such Instructions as  
shall be thought requisite for him in that Service.

Also, that the Master of the Ship in which he goes,  
should have Order to deliver the Letter in Case of Mortality,  
or other accident that might disable Randolph from deliver-  
ing it himselfe.

But if he come safely thither, and deliver it, he desires to  
know whether a time shall be Limited for his Stay there to  
expect their Answer; and if so, what time.

The Masters name is John Smith

Commander of the Ship Welcome.

Reçed frō m<sup>r</sup> Cooke

by ord<sup>r</sup> of M<sup>r</sup> Sec<sup>y</sup> Coventry

15 March 1675.

DIRECTIONS

DIRECTIONS TO SMITH, MASTER OF THE WELCOME OF  
LONDON; &c.

*State Papers, Colonial, Entry Book, 104, p. 92.*

At the Committee of Trade and Plantations at the Councill  
Chamber in White Hall Munday the 20<sup>th</sup> of March 167 $\frac{1}{2}$ .

Present: Lord Treafurer, Earle of Bridgwater, Earle of  
Essex, Earle of Carlisle, Earle of Craven, Visc<sup>t</sup> Fauconberg,  
M<sup>r</sup>: Vice Chamberlain, M<sup>r</sup>: Sec<sup>y</sup> Coventry, M<sup>r</sup>: Sec<sup>y</sup> William-  
son, M<sup>r</sup>: Speaker.

. . . . .

New England.  
Mr. Mason.

M<sup>r</sup>: Mafon, M<sup>r</sup>: Randolp and M<sup>r</sup>: Smith Master  
of the Welcome of London bound for New Eng-  
land are Called in and the Master is tould by m<sup>r</sup>: Sec<sup>y</sup>  
Coventry what the Lords had before agreed, Viz<sup>t</sup> that in  
case m<sup>r</sup>: Randolph fell ill by the way and should miscarry,  
That then Orders were given, that the said Master should  
receiue his Maj<sup>ty</sup> letter and present the same to the Magif-  
trates of Boston in like manner as M<sup>r</sup>: Randolph should have  
done, w<sup>ch</sup> the master promised he would take care of, and  
that he was to returne directly for London.

Memorand<sup>t</sup> That m<sup>r</sup>: Sec<sup>y</sup> Coventry was to prepare some  
Instructions, whereof he gave his Maj<sup>ty</sup> an accompt,  
who came soon afterwards into the Councill Chamber  
vpon the busines of the Weavers, and so approved the  
said Instructions as given in Councill, and an Order  
must issue to m<sup>r</sup>: Secretary for y<sup>e</sup> Same, Vide, the said  
Instructions.

Their Lōps were pleased to approve a Certain Paper of  
Enquiries w<sup>ch</sup> were read unto Them, and directed that m<sup>r</sup>:  
Secretary



Secretary Coventry should give them to m<sup>r</sup> Randolph for his better obseruation of Things in New England.

Vpon this occasion their Lōps entered into a long debate whether this particular time were proper for the sending of Circular Letters into New England, S<sup>r</sup> Robert Southwell having drawn forth a Scheme of all Heads of Enquiry, w<sup>ch</sup> hath been Sent to other Places, and others, w<sup>ch</sup> seem more peculiar to New England; But their Lōps do put off the Consideration of this affair to a further tyme, as vid. the 4<sup>th</sup> of February pag. 70., but they do agree that this is the Con-juncture to do some thing Effectuall for the better Regulation of that Government, or else all hopes of it may be hereafter lost.

#### HIS MA<sup>ty</sup> INSTRUCTIONS TO M<sup>r</sup> RANDOLPH.

*State Papers, Colonial, Entry Book, 60, p. 98. 20 March, 1671.*

C : R :

Having deliver'd these Our Letters you shall earnestly perswade the said Governor and Magistrates to Assemble a full Councill with all the speed that may be, and when the Councill meet yo<sup>r</sup> shall in Our name demand admittance thereinto, that you may [be] present att the Reading of Our said Letters, and so be enabled to giue us an Account that the same were accordingly read in full and publick Councill.

You shall then call for answer unto these Your Letters from the said Governor and Magistrates, and demand the same within a month after the Deliuery of Our Letters, which Answer when you haue receiued it you shall bring back to Us with what convenient speed you can.

If

If opportunity of Writing offer before your returne, you shall giue an acco<sup>t</sup> of your proceedings herein unto One of Our Princip<sup>l</sup> secretaries of State.

Given att our Court att Whitehall the 20<sup>th</sup> of

March 1678 in the 28<sup>th</sup> year of Our Reigne.

By his Ma<sup>ty</sup> Command

H. COVENTRY.

Their Lo<sup>ps</sup> were pleased at the same time to approve a certain paper of Inquiries, which were Read unto them, and Directed that M<sup>r</sup> Secretary Coventry should giue them to M<sup>r</sup> Randolph for His better Observation of things in New-england. viz<sup>t</sup>

It is recommended to M<sup>r</sup> Edward Randolph by Direction of the Lords of the Com<sup>tees</sup> of Plantations, appointed to carry His Ma<sup>ty</sup> Letter to the Magistrates of the Massachusetts in New-England to inform himself as much as hee can, during his stay there, of the points following, Viz<sup>t</sup>

First.

Inquiries given to  
Mr. Randolph. 1. Where the Legislatiue and Executive Powers of the Government of New England are seated.

2. What Laws and Ordinances, are now in force there, derogatory or contradictory to those of England, and what Oath is p<sup>r</sup>scribed by the Government.

3. What number of Church members, ffreemen, Inhabitants, Planters, Servants & Slaves there are, of what professions & Estates, and how many of them are men able to beare Arms.

4. What Number of Horfe and Foot, and wheth<sup>r</sup> they be trained

trained Bands, or standing forces, and what old and experienc'd Officers, they haue amongst them.

5. What Castles & Forts are in New England and how situated, and what stores and Provisions they are furnished withall.

6. What are the reputed Boundaries & Contents of Land.

7. What Correspondencie do they keep with their Neighbors the ffrench on the North, & with the Government of New York on y<sup>e</sup> South.

8. What hath been the Originall cause of the present Warr with the Indians, What are the advantages & disadvantages occasioned thereby, and what will probably be the final event thereof.

9. What are the Commodities of the production, growth, and Manufacture of the Country, and what are those imported from other places, and particularly how the Trade and Nauigation is carried on, whether directly to and from England or otherwise? What number of Ships do trade thither yearly, and of what burthen they are, and where built, and lastly what notice is taken of the Act of Nauigation.

10. What are the Taxes and ffines laid on the Country? What rates and duties are charged upon goods exported or imported? What publique Revenue doth arise to y<sup>e</sup> Govern<sup>t</sup> of what nature it is? & how & by whom exacted & collected.

11. How they generally stand affected to the Government of England? what persons are y<sup>e</sup> most popular, and at present in y<sup>e</sup> Magistracy or like to be soe at y<sup>e</sup> next election?

12. What is the present State of the Ecclesiastical Government?

ment? how the Universities are at pſent filled, and by whom Governed.

Theſe and other Inquiries, which his diſcretion ſhall dictate, are to be made of all the Provinces in generall, but particularly of the Maſſachuſetts, and how they do att preſent correſpond with the confederate and other Collonies. And a particular information will bee likewiſe requiſite concerning the Town of Boſton, according to the former heads, how built, fortified, inhabited & Governed, &c<sup>a</sup>. And an exact Map of the whole Country and Town of Boſton, if it can be procured, will bee of very great uſe and ſervice for a more cleare demonſtration of the premiſſes.

And becauſe in ſeverall of theſe particulars ſome Eſtimat, & Calculation hath been made by thoſe that are curious therefore the ſaid Eſtimate is here under mentioned, that M<sup>r</sup> Randolph may, by his Inquiries, bee enabled, when there, either to confirme or diſprove the truth thereof.

AN ABSTRACT OF NEW ENGLAND.

Observation upon New England.	There are about	{	<sup>m</sup> 120 Souls 13 Families 16 That can bear Arms.
<div style="display: flex; align-items: center; justify-content: center;"> <div style="margin-right: 10px;">There are</div> <div style="font-size: 4em; margin-right: 10px;">{</div> <div>                         12 Ships of betweene 100 and 220 Tuns                          190 of betweene 20 and 100 Tuns                          440 Fiſherboats, of about 6 Tuns each.                     </div> </div>			

There bee 5 Iron Works, w<sup>ch</sup> Caſt noe Guns 15 Merchants worth about 50,000<sup>li</sup>, or ab<sup>t</sup> 5,000<sup>li</sup>, one with another.

500 persons, worth 3000<sup>li</sup> each.

No house in New England hath above 20 Rooms: Not 20 in Boston, which haue about 10 Rooms each.

About 1500 ffamilies in Boston.

The worst Cottages in New England are lofted.

No beggars. Not 3 put to death for Theft.

About 35 Rivers and Harbours.

About 23 Islands, and ffishing places.

The three Provinces of Boston, Mayne and Hampshire, are  $\frac{1}{4}$  of the whole in wealth and strength, The other 4 Provinces of Plymouth, Kene<sup>t</sup>icut, Rhode Island, and Kinnebeck being but  $\frac{1}{4}$  of y<sup>e</sup> whole in effect,

Not about three of their Military Men have euer been actual Soldjers, but many are such Soldjers as the Artillery men at London.

Amongst their Magistrates Leverett the Governour, Major Denison, Major Clarke, and M<sup>r</sup> Broadstreet, are y<sup>e</sup> most popular.

And amongst their Ministers { M<sup>r</sup> Thatcher  
M<sup>r</sup> Oxenbridge  
M<sup>r</sup> Higgenfon

There are no Musitians by Trade.

One Dancing Schoole, was fet up, but put downe.

A Fencing Schoole is allowed.

All Cordage, Sail Cloth & Netts come from England.

No Cloth made there worth above 4<sup>s</sup> p yard.

Nor Linnen of about 2<sup>s</sup> 6<sup>d</sup>.

No Allom nor Coperas nor Salt by y<sup>e</sup> Sun.

They take an Oath of fidelity to the Governm<sup>t</sup> but none to the King.

The

The Govern<sup>t</sup> chosen by every Freeman.

A Freeman must be { Orthodox  
above 20 Years old  
worth about 200<sup>li</sup>

Not 12 Ships of 200 Tun each. Not 500 Fishing Boats.<sup>771</sup>

REC<sup>t</sup> OF HIS MA<sup>ty</sup> LETT<sup>r</sup> OF MARCH Y<sup>r</sup> 10<sup>th</sup> 1675 [FROM  
JOHN LEVERETT.]

*State Papers, Colonial, Bundle 52 (168), 13 June, 1676.*

Reçed frō M<sup>r</sup> Bunne Sept : 14.

Read Nov : 2 : 78.

Right Honourable

Ent<sup>r</sup> B<sup>ty</sup> N : E : p : 111.

The signification of his Majesties pleasure in his gracious letters of the tenth of March last, wee received the tenth of this Instant by the hand of m<sup>r</sup> Edward Randolph, in whose prefence the saide letter, as also the Petitions of m<sup>r</sup> Gorge & m<sup>r</sup> Mafon, were the same day read in Council according to his Majesties comand; whereby wee have received a full demonstration of his Maj<sup>ties</sup> gracious ffavour & Justice in imparting the matters of complaint against us, & thereby also a further Obligation to all dutifull observance & attendance to his Majesties Comands & although at present the heavy pressure of the Indian war together with an Epidemicall Sicknes do impeede our convēeing of the Generall Court, with whome (according to o<sup>r</sup> Constitution by pattent) it lyes to make answer to the s<sup>d</sup> Complaints, which wee doubt not but with all dutifulnes & diligence will by the first opportunity bee attended; Yet wee thought it o<sup>r</sup> duty by this conveyance

<sup>771</sup> See also *State Papers, Colonial, Bundle 58 (89).*

convayance to let his Majesty by yo<sup>r</sup> Hono<sup>r</sup> understand as well the receipt of the saide letters & petitions, as also that the matters of complaint contained in the saide petitions as referring to this Colony are impertinencies, mistakes & falsehoods, the proove whereof wee doubt not, but to make out in our more perticuler Answer.

Though wee deny not (but that not by any force as is Suggested) but by the Just & plaine extent (as wee humbly conceive) of o<sup>r</sup> Pattent line, & also upon the earnest Sollicitation of the Inhabitants there in those Northern parts, being then wholly deserted by the present Claimors, are now under his Majesties Goverment here in this Colony established.

The whole matter wee feare not to Submit to a just & equall determination, not doubting of his Majesties clemency & favour therein. Sure wee are much trouble & charge hath been contracted to maintain Justice among them, besides much expence of men & mony for their defence in this Indian war. Wee are very well assured that as wee are a Goverment constituted by the Charter of his late Majesty of happy memory, confirmed & encouraged by his present Majesties gracious declaration to us, especially in the yeare 1662 & <sup>we</sup> trust wee shall still bee cherished by the benigne Influence of his Majesties Justice and goodnes, whose prosperity, long life, happines here & hereafter hath been is & shalbee the daily prayer of

Yo<sup>r</sup> Hono<sup>r</sup>: most humble Servants

JOHN: LEVERETT Gov<sup>r</sup>

Dated in Boston  
in New England  
June 13<sup>th</sup> 1676 @nn

w<sup>th</sup> the Consent & advice  
of the Councill.

Duplicate.

Duplicate.

Sec<sup>t</sup> Coventry.

[*Endorsed*]

~~13 Oct<sup>r</sup> 76:~~

~~Nov<sup>r</sup> 78:~~

[*sic*]

~~June 13: 76~~

Nov<sup>r</sup> 78.

RANDOLPH TO COVENTRY.

*State Papers, Colonial, Bundle 52 (86).*

His Arrivall at Boston & y<sup>e</sup>  
proceeding of y<sup>e</sup> Colony thereupon.

Boston in New England June 17. 1676.

R<sup>t</sup> Hon<sup>ble</sup>

The 10 Instant I arrived safe at this Port the Metropolis of y<sup>e</sup> American Plantacons; at my landing I waited on the Gov<sup>r</sup> Shewed him my Pass from his Ma<sup>y</sup> & according to y<sup>e</sup> instruccions given to the Mast<sup>r</sup> of y<sup>e</sup> Ship I failed with to Act in case of my miscarriage at Sea, I having only a Verball Order from yo<sup>r</sup> Hono<sup>r</sup>, acquainted him y<sup>e</sup> cause of my coming over and desired him to assemble y<sup>e</sup> Magistrates assoon as might be: he told me they had upon other busines appointed a Councill that afternoon w<sup>ch</sup> I attended & dd his Ma<sup>y</sup> tr which included M<sup>r</sup> Mafons & M<sup>r</sup> Gorges Pet<sup>rs</sup>, they being read by y<sup>e</sup> Sec<sup>y</sup> in my presence. The Gov<sup>r</sup> told the Councill that y<sup>e</sup> matters contained in those Pet<sup>rs</sup> were very inconsiderable things, easily answered & it did no way concern that Governm<sup>t</sup> to take notice thereof. I informed them that after due advice they were to give me a full answer to his Ma<sup>y</sup> tre with all convenient speed, they asked me by what Ord<sup>r</sup> I made that demand, desired me to produce



duce it for as yet it did not appear to them that I was further impowered by his Ma<sup>y</sup> then only to deliver his tr to them & hear it read. I replied that what I had there demanded I would answer at Whitehall.

Munday following they sent their Sec<sup>y</sup> to my lodging to know what further instruc<sup>t</sup>ions I had to com<sup>m</sup>unicate to the Councill. I shewed him y<sup>e</sup> g<sup>r</sup>all Order given to the M<sup>r</sup> of the Ship which at his request I p<sup>m</sup>itted him to carry to the Councill: after two days confidera<sup>t</sup>ion it was resolved that thanks be returned to his Ma<sup>y</sup> for his gracious tr & an answer be forthwith sent by a M<sup>r</sup> of a Ship in y<sup>e</sup> Harbour ready to Sayle for London.

Thurfday following I was sent for to the Court; the Councill being mett, the Gov<sup>r</sup> asked me if I intended for London by that Ship; if so I should have a Duplicate of their tr to his Ma<sup>y</sup> then or at any other time when I did return, but not y<sup>e</sup> Originall, for that was to accompany his p<sup>t</sup>icular answer to a L<sup>r</sup> that he had rec<sup>d</sup> from S<sup>r</sup> Joseph Williamfon by y<sup>e</sup> same M<sup>r</sup> I came with. I asked him if they had well confidered on his Ma<sup>y</sup> L<sup>r</sup> in so short a time & had concluded on their Agents & y<sup>e</sup> time of their going for England; he told me y<sup>e</sup> Councill looked on me as only M<sup>r</sup> Mafons Ag<sup>t</sup> & if I had nothing further from his Ma<sup>y</sup> to them I might withdraw. The Contents of their L<sup>r</sup> I know not, but am credibly informed they deferre this businefs till October next when their G<sup>r</sup>all Councill are to meet; these are their usuall methods of discountenancing all Affairs that come to them from his Ma<sup>y</sup> Nor can I expect better when yet they glory in their affronting S<sup>r</sup> Rob<sup>t</sup> Carr & other his Ma<sup>y</sup> Com<sup>r</sup> in this Country; neither are they to learn that  
old

old trade of inventing & Spreading fals reports w<sup>ch</sup> are easily credited, coming (as they say) from very honest men in England: Viz', that upon his Ma<sup>y</sup> inten<sup>co</sup>ns of Suppressing all Nonconformists meetings last March they were all in an uproar & going to cut one anothers throats, & that his Ma<sup>y</sup> intends to alter y<sup>e</sup> Governm<sup>t</sup> & bring Episcopacy into New England, a thing more dreaded then y<sup>e</sup> Indian Warr: by such cunning p<sup>re</sup>ences whole herds of the meaner Inhabitants are frighted from their Obedience to his Ma<sup>y</sup> into y<sup>e</sup> toyles of their unlimited authority.

Fryday I waited on the Gov<sup>r</sup> at his house for the Answer of his Ma<sup>y</sup> L<sup>r</sup>, but he refused that or y<sup>e</sup> Duplicate to me till I was ready to Sail; discoursing with him about severall Ships arrived in this Harbour (since my coming) from Europe, contrary to the late Acts of Parliam<sup>t</sup> for encouraging Navigation & trade, he freely declared to me that the Laws made by Our King & Parliam<sup>t</sup> obligeth them in nothing but what consists with the Interest of New England, that the Legislatiue power is & abides in them freely to act & make laws not repugnant to the Laws of England by a Charter granted to them by King James. And that all matters in difference are to be concluded by their final determination denying any appeal to his Ma<sup>y</sup>: since my coming some haue affirmed that it is not in his Ma<sup>y</sup> power to retrench their Liberties, but may enlarge them if he please. The Com<sup>rs</sup> granted to their Officers in these Indian Warrs are not in his Ma<sup>y</sup> but in their own names & authority allowing to his Ma<sup>y</sup> only Magni Nominis Vmbra. The towns upon the Sea Coasts especially Boston & Pascattaway are the residence for fforreigners & English ffactors that haue fforreign Com<sup>rs</sup>  
for

for trade; here is not any form of a Custom hous, but a small acknowledgm<sup>t</sup> collected on goods imported by the Gov<sup>r</sup> & the late Trears Sons, who pay y<sup>e</sup> surplufage of their Salarys (if any) to the Co<sup>m</sup>on stock.

Here are arrived from feu'all Ports since the 10<sup>th</sup> instant, from Nants a Bostoner of 100 Tuns M<sup>r</sup> Clutterbuck Master Loaden with 50 Butts Brandy & other ffrrench Comodities, also a Pink of Boston from ffrance of 70 tunns with 12 Tun of Brandy Wine & other goods, a Scotsman of 130 Tun from the Canaryes with 80 Pipes of Canary, a Bostoner of 80 Tuns from y<sup>e</sup> Canaryes w<sup>th</sup> 50 Pipes of Canary; this day a Ketch of Southampton also from Canary his Contents of Burthen I know not; about a Month ago a Bostoner of 150 Tuns from the Canary 70 Pipes of Wine, about the same time another Bostoner 160 Tuns from y<sup>e</sup> streights with Malaga Wines Oyles and other goods: what is come into the River of Pascattaway & other Ports here I haue no advice.

The Governm<sup>t</sup> of this Place consists of a Gov<sup>r</sup> 11 Magistrates & a Sec<sup>y</sup> all yearly chofen; most of them are inconsiderable Mechanicks packed by the prevailing party of y<sup>e</sup> factious Ministry who haue a fellow feeling both in the Command & profit. None are capable of Elec<sup>t</sup>ion but such Church Members, confiding men, & haue Signally expresse<sup>d</sup> their Affec<sup>t</sup>ion to the Governm<sup>t</sup> these lay what imposi<sup>t</sup>ions they please upon y<sup>e</sup> people; a tax of 20000<sup>l</sup> is out of hand to be collected for paym<sup>t</sup> of the Army greatly discontented and in great Arrears & for defraying the publique Charges of the Warr. No Acc<sup>t</sup> audited or debts paid notwithstanding severall great Sums of money haue been gathered with a  
duty

duty of 4<sup>p</sup> quarter upon all Mault imported from England for the two years past.

The Clergy are generally inclined to Sedition being Proud Ignorant & Imperious, Owen & others — ejusdem farinae, are in great Veneraçon here, yet there are some Civil Gentlemen amongst them that upon all Occasions expresse their duty to his Ma<sup>y</sup> abominating the Hipocrisy of their Pharisaicall Sanhedrim.

The Standing Militia of this Country consists of 10000 ffoot & 1000 horse; they can upon occasion raise 20000 more: their Magazins of Arms and Ammunition are indifferently Stored, the Indian Warrs haue been expencefull to them. I am told they want 1000 good Arms. Amongst their Comand<sup>r</sup> Maj<sup>r</sup> Thomas Savage a Gent of a very good family in England & Loyal Principles is cheif in the affecçons of the Soldiery being the only ffield Officer that faced the Indians. Goffe the Old Rebell is still in this Country, narrowly escaped the Major in the Southern parts, where he and others are harboured by their Antimonarchicall Profelites. One Dennison is Major Ġrall and Cheif Commander of the whole fforces, a Prudent man that sat at home in Councill being Indisposed to fight, deviding y<sup>e</sup> Spoil with the Magistrates his brethren of y<sup>e</sup> Captiue Indians. Major Winslow Ġrall of the Southern fforces is a stout Comand<sup>r</sup> well beloved and upon good occasion will freely act for his Ma<sup>y</sup> service; there are in the very Magistracy, Clergy, Army, Marchants & Comoners many that highly affect his Ma<sup>y</sup> Interest, but the dayly abuses and discouragem<sup>t</sup> offered to such in whom appears the least suspition of Loyalty makes them conceal themselves till it shall please his Ma<sup>y</sup> fully to resolve

refolue upon y<sup>e</sup> reducing this Plantacon to their due Obedience; this Sum̄er would have effected it w<sup>th</sup> a very small trouble & charge, for the least stop upon their trade, together with y<sup>e</sup> present disturbance from the Indians, would turn them all upon their Magistrates and force them to an humble & ready Submission.

I am confidently assured by those that well understand the Affairs of this Country that 3 frigats of 40 Guns with 3 Ketches well manned lying a League or two below Boston with his Ma<sup>ty</sup> expresse Orders to seize all Shipping & pform other Acts of hostility ag<sup>st</sup> these Revolters would bring them all to his Ma<sup>ty</sup> own terms and do more in one Weeks time then all the Ord<sup>r</sup> of King & Councill to them in Seven years; there are severall Empericks in England that bolster up the deformed Anarchy with lying delusions somtimes informing that his Ma<sup>ty</sup> is pswaded to sign tres and Orders to them & doth not really intend what he writes.

Their trade hath been somewhat obstructed by this Indian Warr; their are discourfes of a Peace, that seu'all Surrenderd themselues upon Articles in the Provinces of Main & New Hampshire. The Warr in King Philips Country is smartly prosecuted by Generall Winslow with good Success, and they question not but to giue them a total overthrow next Winter if not before, having reduced them to great extreamities & killed most of their cheif Leaders.

Notwithstanding these disturbances the ffishermen haue made very good Voyages, having killed aboue 12000 Kintals of Cod fish at the Islands of Tholds [Shoals] besides what is taken in other Places; the great quantitys of Cod Mackrell and Herring taken upon this Coast are exported to Spaine  
ffrance

ffrance and other parts and bring in aboue 50000<sup>li</sup> yearly to the Markets; the Mafts, Boards, Planks, Pipe Staues and timber of all Sorts fitt for shipping exported from hence to Barbados & other parts of the Carib Iflands make them profitable returns in Barter, besides aboue 1000 Tuns of Logwood yearly fetched from the Bay of Campecke by these Inhabitants.

Most of the Maritime townes are well Stored with able Masters Mariners ffishermen & good Carpenters; they build yearly feu'all Ships of good burthen besides Ketches & Barks, and for these 7 last years Communibus Annis they haue lanced 20 Ships Some of 100 Tuns & some und' this p'sent year Orders were given to sett 30 upon the Stocks by the Marchants in England who make their returns from hence in New Shipping, but the Warrs haue prevented that number. Yet there are at Boston, Charles Town, Salisbury & other places aboue 12 building some of them upwards of 160 Tuns as I am informed.

I beseech yo' hono' to pardon this imperfect relaçon of the p'sent state of this Country; the Lawes will discover what I had not time to inquire further into w<sup>th</sup> with my humble Service I p'sent to yo' Hono' and am

Yo' Hono<sup>r</sup> most Obedient Serv'

EDW: RANDOLPH.

[*Endorſed*] Boston the 17<sup>th</sup> June 1676.  
From M<sup>r</sup> Randolph  
to M<sup>r</sup> Sec : Coventry.

## RANDOLPH TO GOVERNOR LEVERETT.

*Massachusetts Archives, Vol. CVI. p. 212.*Boston. June ye 23<sup>d</sup> 1676Hon<sup>d</sup> S<sup>r</sup>:

The directions of his Ma<sup>ties</sup> lett<sup>r</sup> of March y<sup>e</sup> 10<sup>th</sup> 167<sup>6</sup> to Our Trusty & well beloved the Gouern<sup>r</sup> and Magistrates of Our Towne of Boston in New England presupposeth a power in them to give a sufficient answeare to y<sup>e</sup> contents thereof and the better to prevent frustrating or evading the true intent of this his Ma<sup>ties</sup> message to you. hee hath been Graciously pleased to allott a months tyme for the due & punctuall perfecting y<sup>e</sup> answeare (for which I am ordered soe long and not further to attend,) and if a generall Court bee more proper for dispatching matters of soe weighty concerne be pleased to assemble that: In the meane tyme according to my instructions I continue to require an answeare to his Ma<sup>ties</sup> lett<sup>r</sup> to bee delivered to me at or before the expiracon of the tyme limited. beeseching you to refer y<sup>e</sup> preliminary discoursing my instructions and my message thereof to his Ma<sup>tie</sup> and Councell to whome onely I stand ansuerable and am S<sup>r</sup>

Y<sup>r</sup> Humble seru<sup>t</sup>

ED: RANDOLPH.

be pleased to giue me y<sup>r</sup> Answeare in writing p. first conveniency  
E. R.

Endorfed to Hon. John Leverett, Gov<sup>r</sup>Rec<sup>d</sup> June 23. 4 o'clock.

ORDER

ORDER FOR COUNCIL TO MEET.

*Massachusetts Archives*, Vol. III. p. 317.

S<sup>r</sup> The Honoured Gouno<sup>r</sup> Sending for me & going to him early this morning; Required me to signify to you that late last night he received a letter from M<sup>r</sup> Randolph the Import whereof he judgeth fitt for the Councill at their ordinary adjournment Second day next at one of the clock being 26 inst. to consider of & conklude the necessary & sooner there cann be no convention & therefore desires & orders a convention of the whole councill & on that day about mentioned for that end at w<sup>ch</sup> time & place yo<sup>r</sup> p<sup>r</sup>esence & assistance is desired & expected without fayle, not doubting of yo<sup>r</sup> readines to serve God and the country herein after the presentation of my service to you & to yo<sup>r</sup> Lady

S<sup>r</sup> I remayne  
your assured freind & humble servant  
EDWARD RAWSON, Secret<sup>r</sup>  
by ord<sup>r</sup> of the Gouvern<sup>r</sup>.

Boston 24 June 1676.

ANSWER OF THE COUNCIL TO EDWARD RANDOLPH.

*Massachusetts Archives*, Vol. III. p. 317.

S<sup>r</sup>

Your l<sup>r</sup>e directed to the Gov<sup>r</sup> dat. 23<sup>d</sup> instant wee have pused and do somew<sup>t</sup> marvell both at y<sup>e</sup> wording & y<sup>e</sup> import thereof, you may remember y<sup>t</sup> such was o<sup>r</sup> care not to be justly accused of neglect in any kind that whereas wee received his Ma<sup>ties</sup> l<sup>r</sup>e on y<sup>e</sup> 10<sup>th</sup> of this instant contayneing his comānds to us, the same day the councill being assembled  
in



in obfervance thereof you were admitted into y<sup>e</sup> Councill and the Gov<sup>r</sup> read his Ma<sup>ties</sup> lre in yo<sup>r</sup> prefentes & caufed y<sup>e</sup> Secretary at y<sup>e</sup> fame time to read the Petitions of m<sup>r</sup> Gorges & m<sup>r</sup> Mafon, and on y<sup>e</sup> 15<sup>th</sup> day next following yo<sup>r</sup> prefence was craved again and in full councill were acquainted, that wee had drawn up o<sup>r</sup> anfwer in a letter directed to one of his Ma<sup>ties</sup> Secretaryes, & then tendered to deliver y<sup>e</sup> fame to you, in cafe you were ready to depart home, but if otherwife, wee fhould take care to fend the fame by y<sup>e</sup> firft opportunity, & to your felfe wee would deliver a duplicate thereof, on notice given of yo<sup>r</sup> departure, your anf<sup>w</sup>: then was y<sup>e</sup> yo<sup>r</sup> occasions called you not home at prefent, & feeming to acquiefce in w<sup>h</sup> had been expreffed, you took leave of y<sup>e</sup> Councill, and fince then a good opportunity p<sup>r</sup>fenting wee haue fent away o<sup>r</sup> lre, directed as above f<sup>d</sup> to one of his Ma<sup>ties</sup> principle Secretaryes. now why you fhould exprefs yo<sup>r</sup> diffatisfaction, by faying you continue to require an anf<sup>w</sup>: whereas you haue feene o<sup>r</sup> care to make fpeed therein, not omitting y<sup>e</sup> firft opportunity (although you cant be ignorant y<sup>t</sup> fuch are y<sup>e</sup> daily e<sup>m</sup>ergencyes, & encumbrances of y<sup>e</sup> Councill for y<sup>e</sup> carrying on y<sup>e</sup> p<sup>r</sup>nt Indian warr, our forces being now in y<sup>e</sup> wildernefe, & do need daily advife & recruits, & y<sup>e</sup> enemy rage fo violent, as threatening daily further incurfions upon o<sup>r</sup> frontier Townes, as might well [evock?] more candor then you haue yet expreffed & a favorable conft<sup>r</sup>u<sup>c</sup>on of any feeming delay. now although wee would not take notice of either difrefpectfull or unfutable expreffion dropt either verbally or by yo<sup>r</sup> pen yet wee would haue you to be well advifed y<sup>t</sup> as y<sup>e</sup> Gov<sup>r</sup> on y<sup>e</sup> reading his Ma<sup>ties</sup> lre, acquainted you y<sup>t</sup> wee thankfully acknowledged  
his

his Ma<sup>ties</sup> gracious respect & tendernes therein expressed to these plantations therein greatly tendring y<sup>e</sup> peace & tranquillity thereof, yet for yo<sup>r</sup> *mandamuses* impoſeing upon & requireing of y<sup>e</sup> Gov<sup>r</sup> & counsell to attend yo<sup>r</sup> owne injunc<sup>tion</sup> & to make anſwere in a diſverſe mann<sup>r</sup> from w<sup>h</sup> his Ma<sup>tie</sup> haue com<sup>manded</sup> us. wee muſt plainly tell you that wee Judge you haue & do therein exceed yo<sup>r</sup> meſſage and do adviſe you y<sup>e</sup> you ſo deemeane yo<sup>r</sup> ſelfe, as not to be found either ſlighting or irregularly impoſing upon his Ma<sup>ties</sup> authourity here eſtabliſhed, By y<sup>e</sup> Council

EDW. RAWSON, Secr<sup>t</sup>

26 June 1676

as an Anſwer to his dat. 23 Inſtant paſt.

RANDOLPH TO GOVERNOR LEVERETT AND COUNCIL.

*Maſſachuſetts Archives*, Vol. CVI. p. 213.

Boston July y<sup>e</sup> 6, 1676.

Gent<sup>l</sup>

Y<sup>r</sup> of y<sup>e</sup> 26<sup>th</sup> of June laſt is received directed to E. R. etc: in w<sup>ch</sup> you are pleaſed to acquaint me that ſuch was y<sup>r</sup> care, not to be juſtly accused of neglect in any kind — y<sup>t</sup> you took the firſt opportunity to ſend y<sup>r</sup> anſweare to his Ma<sup>ties</sup> lett<sup>r</sup>, which is (as I ſuppoſe) diſpatched for England by a M<sup>r</sup> of a ſhipp. That is ὕστερον πρότερον and denotes ſome deviation from his Ma<sup>ties</sup> methods of tranſacting this affaire w<sup>th</sup> you; Who was graciously pleaſed to committ both His originall lett<sup>r</sup> to you directed and duplicate (to bee managed by the M<sup>r</sup> of y<sup>e</sup> ſhip in caſe of my failer at ſea) to my charge and care. But you ſend y<sup>r</sup> originall (which is not expected till my returne) by y<sup>e</sup> M<sup>r</sup> of a ſhip (buſines preventing

ing my foe speedy returne) & offer a duplicate to me his Ma<sup>ties</sup> expresse.

I haue other matters under my charge also for his Ma<sup>ties</sup> especiall service which I am not to communicate nor can be dispatched in less then a month, the tyme limited for my demanding & attending for y<sup>r</sup> answeare; It was not expected upon his Ma<sup>ties</sup> Gracious condiscention of 6 months tyme for y<sup>r</sup> Agents appearance at White Hall that I should be posted away for England after y<sup>e</sup> tediousness of a ten weekes passage, and soe by such a rapid motion be necessitated to leaue my other weightier affaires uneffected, or else to haue that his Ma<sup>ties</sup> recommended to my care, transmitted by another hand.

Some things in y<sup>r</sup> lett<sup>r</sup> seem to haue a particular reflection on my carriage and behaviour which charity dictates tacitely to pretermitt. I did believe my obedience to a Supream Authority would not render me obnoxious to its inf[erior] and deriuiative party, & make me liable to y<sup>e</sup> censure of misdemeanour or be guilty of flighting or irregularly imposing any Authority establihed [by his] Ma<sup>ties</sup>. If so I beg y<sup>r</sup> pardon & desire y<sup>r</sup> inspection of this matter may be referred to his Ma<sup>ties</sup>, whose subjects we all are, though in a different relation.

However in my vindication giue me leave to say, that when I first attended this Counsel after M<sup>r</sup> Rawson had read his Ma<sup>ties</sup> Lett<sup>r</sup> (& not y<sup>e</sup> Governor as is hinted in y<sup>r</sup> Lett<sup>r</sup>) as [torn out] petitions, I then acquainted the Councell that they had a months tyme to returne their Answear, and that I was ordered to reconvey it, y<sup>e</sup> 15<sup>th</sup> following I expressed myselfe in Councell to y<sup>e</sup> same purpose. And the Day following, 4 dayes before y<sup>e</sup> ship sayld for England I waited on y<sup>e</sup> Governor for y<sup>e</sup> Councell's Answear. But hee told me it was to  
 accompany

accompany an answear of his to a lett<sup>r</sup> from S<sup>t</sup> Joseph Williamson brought by y<sup>e</sup> M<sup>r</sup> of the same ship I sailed on. Soe that by this it appeares that my acquiescence (if any) is onely passive. My remisnes as well as excesse in performance of any of his Maj<sup>ties</sup> commands renders me equally disobedient, therefore (not presuming on his Ma<sup>ties</sup> clemency) that I may avoid all inconveniences on either hand I strictly keepe to his Maj<sup>ties</sup> orders w<sup>th</sup>out any wilfull abereation.

And now since there is such a Cogency, I once more beg y<sup>r</sup> pardon. And againe in obedience to his Maj<sup>ties</sup> lett<sup>r</sup> which expressly saith (that Ed. Randolph [*torn out*]. . . . y<sup>e</sup> Councell to heare the same read there; Hee being by us *appointed* to bring back y<sup>e</sup> answer, and the words of y<sup>e</sup> Generall instructions likewise enjoin *you*, shall then call for an answer unto these Our lett<sup>rs</sup> from y<sup>e</sup> said Govern<sup>r</sup> & Magistrates, & demand the same w<sup>th</sup>in a month after the delivery of Our Letters. Which answeare when you have received it *you* shall bring back to Us w<sup>th</sup> what convenient speed you can) I doe demand your answear to his Maj<sup>ties</sup> said lett<sup>r</sup>, and soe humbly take my leave.

Gent., I am not conscious to my selfe of any disrespectfull or unfutable expression dropped verbally or by my pen. Yet since you are pleased to connive at w<sup>t</sup> you seem to apprehend extravagant, I return you my hearty thanks; as also for y<sup>r</sup> friendly advise w<sup>th</sup>out which I should haue been and still shall be carefull to demeane my selfe according to y<sup>e</sup> importance of my Charge, and that respect due to you as his Maj<sup>ties</sup> ministers, from

your most humble & obedient serv<sup>t</sup>

ED. RANDOLPH

I am returning for England upon M<sup>r</sup> Walley.

To

TO THE KINGS MOST EXCELLENT MAJESTIE,

*Collection of Papers*, by Thomas Hutchinson, Prince Society, Vol. II. p. 240.  
20 September, 1676.

A Short narrative touching the delivery of your Majesties letters to the Magistrates of Boston in New England, by Edward Randolph.

May it please your Majestie,

Having received your Majesties letters for the governor and magistrates of your Majesties town of Boston in N. E. dated 10th of March last, with my particular instructions from the right hon. secretary Coventry, upon the 30th of the sayd month I sayled from the Downes. After a tedious passage of 10 weeks arrived at Boston on 10th June. At my landing I went immediately to the governor John Leveret, and shewed him your Majesties passe and acquainted him with the cause of my coming, and that I had brought a letter from his Majestie unto the magistrates of that colony, and did therefore desire him that, with what convenient speed might be, the magistrates might be assembled to hear your Majesties letter read. The governor answered, that the council was to meet that afternoon, upon other businesse, and that then I should be sent for; as I was, by the marshall of their court; where being come and admitted into the councill, I delivered your Majesties letters to the governor, their being six of the magistrates and their secretary assembled with him, and there being a chaire placed purposely for me, I was desired by the governor to sitt.

The governor having opened your Majesties letter sayd to the rest of the magistrates, it was a letter from your Majestie, and looking to the bottom of the letter, he read by his Maj-  
esties

esties command Hen. Coventry. The governor asked me who that Mr. Coventry was. I told him he was your Majesties principall secretary of state.

At the beginning of the reading of your Majesties letter, the whole councill being covered, I put off my hat; whereupon three of the magistrates tooke off their hats and sate uncovered; but the governor with the rest continued to keep their hats on.

Your Majesties letters, with the inclosed petitions of Mr. Mason and Mr. Gorges, being read in my hearing, the governor told the councill that the matters therein contained were very inconsiderable things and easily answered, and it did in no way concern that government to take any notice thereof. I acquainted them that your Majestie had commanded me to require an answer of your sayd letters, and for which your Majestie had ordered me one month to attend. The governor answered, that they should consider of those things. Whereupon I withdrew.

Then I delivered the particular letters of Mr. Mason, which he had writt unto severall of the most eminent inhabitants of Boston, some whereof are the principall officers of the militia. These gentlemen received me with much kinnesse and expressed great loyalty to your Majestie. The letters he wrote were to give them an account of the contents of your Majesties letters, his own complaints against the proceedings of that government, with the occasion of my coming into these parts, desiring them to communicate the same to others, the which was soon spread abroad, to the great pleasure and satisfaction of all those who are well-wishers to your Majestie.

Within a day or two after my arrivall, I met with a report which seemed artificially rayfed to amuse and distract the people about domestique troubles here in England, the sume whereof was, that the Duke of Yorke, with diverse of the nobility upon discontent, had left the court, and had applied themselves to the citty for assistance, and that all was going to confusion at home. This was reported with much confidence, and sayd to be writt from some very good people in London, and therefore must be true. I soon confuted this report, by many arguments, shewing them the falseness of it, and so in a short tyme it vanished.

After two days consideration it was resolved in their councell that thanks be returned to your Majestie for your gracious letter, and that an answer be forthwith sent by a master of a vessel ready to saile for London.

The 15th of June I was sent for to the councell. The governour asked me whether I intended for London by that ship that was ready to saile, if so I should have a duplicate of their letter to your Majestie, the originall being to accompany his own particular answer to a letter he had received from Mr. secretary Williamson by the same master of the ship I came with. I told them I had other matters of concern under my charge, and should not return so soon, and withall asked them if they had well considered of his Majesties letter and the inclosed petition in so short a time, and concluded on their agents and the time of their going for England, to which they gave no reply, but the governour asked me if I had anything further to offer them from your Majestie, I told them I had nothing further to communicate to them, whereupon the governor said that he  
looked

looked upon me as Mr. Mafon's agent, and that I might withdraw.

The day after, I went to visit the governour at his house, and among other discourse I told him I tooke notice of severall ships that were arrived at Boston, some since my being there, from Spain, France, Streights, Canaries and other parts of Europe, contrary to your Majesties lawes for encouraging navigation, and regulating the trade of the plantations. He freely declared to me that the lawes made by your Majestie and your parliament obligeth them in nothing but what consists with the interest of that colony, that the legislative power is and abides in them solely to act and make lawes by virtue of a charter from your Majesties royall father, and that all matters in difference are to be concluded by their finall determination, without any appeal to your Majestie, and that your Majestie ought not to retrench their liberties, but may enlarge them if your Majestie please, and said, your Majestie had confirmed their charter and all their privileges by your Majesties letter of the 28th of June, 1662, and that your Majesty could doe no lesse in reason than let them enjoy their liberties and trade, they having upon their own charge and without any contribution from the crown made so large plantation in the wildernesse, and that during the Dutch warrs your Majestie sent ammunition to New-Yorke for that place, but sent them word they must shift for themselves and make the best defence they could, and that notwithstanding the colony had many enemies, yet they did believe your Majestie to be their very good friend, for that your Majestie had by severall letters expressed your kindnesse to them.

Within



Within a few days after I met with one Mr. Harris, a gentleman who arrived there from England about six months before, who told me that at his arrival at Boston, he was according to their law, conducted to the governor, which enjoins all masters of vessels to bring all passengers to the governor upon penalty of 20*l.* who enquiring of him if he knew Mr. Mason and whether he was coming over and what commissioners were coming with him, Mr. Harris told him there was a report that Mr. Mason was to come over. The governor then said he had received information from England that commissioners had come over last summer or the spring, but that your Majesty had not money to defray that charge and set them forth, and did therefore believe no commissioners would come.

The 23d June I gave in a memoriall to the governour, the councill being then assembled at his house, wherein I acquainted them that in pursuance of my instructions I did remind them of your Majesties command of sending over agents that might be sufficiently qualified and impowered, and did desire that seeing a generall court seemed much more proper for dispatch of matters of so great and weighty concerns, that a generall court might on this occasion be assembled, that so I might receive their deliberate and solemn answer to your Majesties letters, for the which I would attend. But hereunto they gave me no other answer then that when I was ready to saile for England I should have a copy of their letter which they had writ unto your Majesty.

About the beginning of July, I went into the province of New-Hampshire, belonging to Mr. Mason, but now divided  
by

by the Bostoneers into three counties, and by them called Norfolk, Suffolk and Middlesex. And travelled through severall of the most considerable towns, acquainting the inhabitants with the occasion of my coming into the country, and read Mr. Mason's letter unto them, which gave them great satisfaction, the whole country complaining of the oppression and usurpation of the magistrates of Boston, imposing ministers upon them, not admitting them to the sacrament of the Lord's Supper, denying baptism to their children, and liberty of choosing their own magistrates and officers because they were not members of their congregations. And as a farther mark of their power and sovereignty over them they send twice a year magistrates from Boston to keep courts for trying of causes, and that they lay at pleasure what impositions, fines and taxes they thinke fit upon their estates, persons and trade, contrary to the lawes of England, and that they have been for a long time earnestly expecting to be delivered from the government of the Massachusetts Bay, and doe humbly hope your Majestie will not permitt them any longer to be oppressed, but will be graciously pleased to give them relief, according to the promises made them by your Majesties commissioners in 1665, who were then in that province, and declared them not to be under the government of Boston.

And being at Portsmouth, a town of very great trade, lying upon the river of Piscataway, in the northermost part of New-Hampshire, about seventy miles from Boston, severall of the principall inhabitants of the province of Main, belonging unto Mr. Gorges, and now by the Bostoneers, since the seizing thereof, called Yorkshire, came unto me  
making

making the same complaints, with those of New-Hampshire, entreating me to represent their condition to your Majestie and are passionately expecting relief, some of them having been suffered to be ruined by the Indians for having formerly expressed their duty to your Majestie when your Majesties commissioners were in that country, and for having taken commissions from them to act as justices of the peace.

At my return to Boston I received a message from Josiah Winslow, Esq; governor of your Majesties Colony of New-Plymouth, desiring I would give him a visit before I left New-England. Whereupon I made a journey to him, whome I found a gentleman of loyal principles and hath shewed himself a person of great courage and conduct in the management of the Indian warre, those barbarous people being chiefly overcome by his conduct and troops, which makes him to be feared and not loved by his neighbours the Bostoners.

In his discourse he expressed his great dislike of the carriage of the magistrates of Boston to your Majesties royall person and your subjects under their government; of their incroaching upon the rights, trades and possessions of the neighbouring colonies, laying what rates they please on the commodities and products of the other colonies imported into their harbours; the dayly breach of your Majesties lawes concerning trade and navigation, trading with and encouraging all nations to trade with them, to the great prejudice and detrement of your Majestie and this your kingdom: And that, he finding the inconveniences of a divided government dayly arising, did say, that New-England could never be secure, flourish, nor be serviceable to  
your

your Majestie, untill the severall Colonies and plantations were reduced under your Majesties immediate government, and that the colonies of New-Plymouth and Connecticut would readily and willingly submitt to your Majesties pleasure and commands in the disposall and settlement of the civill government.

That during my stay at Boston I made acquaintance with severall of the chief inhabitants and some of the magistrates, and did particularly informe myself of the humour, disposition and affections of the people, and found the principal inhabitants, some whereof are the chief officers of the militia, and the generality of the people complaining of the arbitrary government and oppression of their magistrates and doe hope your Majestie will be pleased to free them from this bondage by establishing your own royall authority among them and govern them according to your Majesties lawes. And many of the better sort did intreat me to represent this their condition to your Majestie, not daring publickly to expresse their desires or complaint by petition, because of the severity and arbitrary proceeding of their rulers, and that many of them have been sufferers for petitioning formerly. Altho' at the generall court in Octob. 1666, upon occasion of your Majesties letter and declaration of the 10th Aprill in the said year, which petition was subscribed by upwards of 100 of the principall inhabitants of that colony, wherein they did assert your Majesties right of jurisdiction and sovereignty over them, a copy whereof is hereunto annexed being given me by some of the chief persons who had subscribed it, desiring that your Majestie might see the same; these gentlemen for delivering this petition, did then receive a  
severe

severe check, the petition voted scandalous, they stiled the betrayers of the libertyes of that colony and ill-affected to that government, for which some of them have been greatly prejudiced in their estates and fortunes, and still lye under many inconveniences, and are not admitted into any offices of the government or choyce of the magistrates.

Being ready to return for England, the tyme allotted by your Majestie being expired, I went to the governor on the 20th July, for my dispatches, and was entertained by him with a sharp reproof for publishing the substance of my errand into those parts, contained in your Majesties letters, as alsoe in Mr. Mafons petition and what he represented to his friends there, with that of Mr. Gorges unto the inhabitants of Boston, New-Hampshire and Main, telling me that I designed to make a mutiny and disturbance in the country and to withdraw the people from their obedience to the magistracy of that colony and the authority thereof. I told him, if I had done anything amisse, upon complaint made to your Majestie he would certainly have justice done him.

The governor then gave me the duplicate of a letter directed unto the right honorable Mr Secretary Coventry, which he told me was the answer which the councill thought fit to give your Majesties letters, the originall being sent for England a month before.

At my departure from him, both he and some of the magistrates, severally, intreated me to give a favourable report of the country and the magistrates thereof, adding, that those that blessed them God would blesse, and those that cursed them God would curse. And withall, desired me to acquaint  
your

your Majestie that whatever reports were rayfed against them, by wicked and evill minded men, to draw away your Majesties grace and favour from them, yet they were a people truely fearing the Lord and very obedient to your Majestie.

So that altho' by your Majesties command I was sent to the magistrates of Boston, and was named in your royall letters as one who should sollicit a fit determination in the businesse depending, and bring back the answer thereof, yet I must wholly refer myself to their own answer, they not having thought fit to acquaint me with the contents thereof.

All which I doe most humbly certify.

20 September 1676.

RANDOLPH'S REPORT TO THE COMMITTEE FOR TRADE AND  
PLANTATIONS. 12 OCTOBER, 1676.

*Collection of Papers*, by Thomas Hutchinson. Prince Society, Vol. II. p. 210.

To the right honorable the Lords of his Majesties most honorable Privy Council appointed a committee for trade and plantations.

An answer to severall heads of enquiry concerning the present state of New-England.

And whereas amongst the severall colonies and plantations settled there that of the Massachusetts bay, commonly called the corporation of Boston, is the most flourishing and powerfull, and at present gives lawes to a great part of this country, by a pretended charter from his late Majestie, it is first in relation to this colony most humbly answered,

To the first enquiry.

VOL. II. — 29

Where

Where the legislative and executive powers of the government of New England are seated.

The legislative power is seated in a generall court, from which there is no appeal, consisting at present of a governor, deputy governor, and 10 magistrates, with the deputies of the severall townes in that jurisdiction, all which are yearly elected.

This court is the supreme judicature of the colony, and only hath power to make lawes, raise money, and lay taxes upon the whole colony, dispose lands, give and confirme properties, impeach, sentence and pardon, and receive appeals from all inferior courts, and cannot be adjourned or dissolved without the consent of the major part.

The governor, deputy governor and magistrates are chosen by the majority of the votes of the freemen of the colony, who are to attend at Boston, either in person or by proxy, without any summons, the last Wednesday in Easter terme, and upon that day to consummate the election, which is done by writing the names in paper, but no person that hath been a magistrate the year before is to be left out at the new election, and is to have the precedency in nomination before all others.

The deputies for the generall court are chosen by the freemen of every towne, who have all the power of the freemen transferred to them. No town can send more than two deputies, and where a town hath but 20 freemen that town can send but one deputy, and when not 10 freemen the town sends none; no person being an attorney is to be chosen a deputy.

No person is admitted to be a freeman of the colony, or  
have

have vote in any election but church members who are in full communion and approved by the generall court.

The governor and magistrates sit apart and act all business by themselves, by drawing up bills and orders, which having agreed upon, they send to the deputies to be considered, and accordingly to give their consent or dissent thereunto.

The deputies likewise sit by themselves and consult about such matters as they shall find meet for the common good, which being agreed on they present to the magistrates to be considered, who may give their consent or dissent.

No law is made without the consent of the major part of the magistrates and the greater number of the deputies. The governor hath a casting vote in all courts and assemblies, can call a general court, or any other court or council at his pleasure.

The executive power is in the governor and council, whereof seven men make a quorum, the governor or deputy governor to be one. But when business is urgent then the acts of so many as do assemble are accounted valid and sufficient, and can impress soldiers, seamen, ships, all manner of ammunition and provision, and all other necessities, and give warrant to the treasurer to make payment for the same.

The council sits twice a weeke constantly, and is summoned at the pleasure of the governor, and oftener if need be.

There be two courts of assistants yearly kept at Boston by the governor, deputy governor and the rest of the magistrates, upon the first Tuesday in March and September, to hear and determine all actions of appeal from inferiour courts,  
and



and all capitall and criminall causes extending to life, member or banishment.

There are also county courts held in severall townes of the colony upon set dayes by such magistrates as the generall court shall appoint, for to heare and determine all causes civill and criminall, not extending to life, member or banishment. To make and constitute needfull officers, and to summon juries of inquest, tyme of holding said courts alwaies on Tuesdays.

The governor and deputy governor jointly agreeing, or any 3 magistrates consenting, have power to reprieve a condemned person till the next generall court.

Every magistrate is a justice of the peace, and can determine any cause under 40s. can commit to prison and punish offenders for breach of lawes and impose fines according to discretion.

The secretary of the councill signes all warrants for the execution of persons, sitting the generall court or court of assistants.

The governor and magistrates at all courts, meetings and assemblies, have a public table kept and their necessary expences born at the charge of the country.

And for keeping all persons in perfect obedience to their authority, it is enacted, that whosoever shall revile the person of any magistrate or minister, or shall defame any court of justice or the sentence or proceedings of the same, or the judges of any such court in respect of any act or sentence therein passed, shall be punished by whipping, fine, imprisonment, disfranchisement or banishment, as the quality or measure of the offence shall deserve.

And

And whosoever shall conspire and attempt any invasion, insurrection, or publick rebellion against the commonwealth, or shall endeavour to surprize any town or fort, or shall treacherously and perfidiously attempt the alteration and subversion of the frame of pollicy or government fundamentall he shall be put to death.

And as a marke of soveraignty they coin money stamped with inscription Mattachusets and a tree in the center, on the one side, and New England, with the year 1652 and the value of the piece on the reverse. Their money is of the standard of England for finenesse, the shillings weigh three pennyweight troy, in value of English money ninepence farthing, and the smaller coins proportionable. These are the current monies of the colony and not to be transported thence, except twenty shillings for necessary expences, on penalty of confiscation of the whole visible estate of the transporters.

All the money is stamped with these figures, 1652, that year being the æra of the commonwealth, wherein they erected themselves into a free state, enlarged their dominions, subjected the adjacent colonies under their obedience, and summoned deputies to sit in the generall court, which year is still commemorated on their coin.

All commissions are made in the name of the governor, with the consent of the councill, but all passes for ships and certificates are in the name of the governor only, in these formes.

Commission.

John Leverett, Esq; Governor of the Massachusetts jurisdiction in N. E. with consent of the councill.

To

To A. B. Captain.

Whereas you are chosen and appointed to be captain to a foot company under the command of C. D., generall and commander of the forces now to be sent forth in the expedition against the treacherous barbarous enemies: These are therefore to will and require you to take care and charge of the said company as their captain and diligently to attend the same charge of exercising the inferior officers and soldiers, and with your best skill and indeavours to pursue, kill and destroy the said enemy, commanding your company to obey you as their captain for the service of the country; and you to observe and obey all such orders and directions as from time to time you shall receive from your superiour officers, the general, the council, or generall court of the Massachusetts jurisdiction in New England. At Boston, 13<sup>th</sup> June 1676.

Scaled with the seal of the colony.

Passé.

To all to whom these presents shall come, Greeting.

I John Leverett, Esq; governor of his Majesty's colony of the Massachusetts in New-England, doe testify and make known that J. W. Master or Commander of the Sarah frigate hath appeared before me and declared by solemn oath that said ship or vessel of which he is at present master or commander, containing about one hundred tons, doth belong to the inhabitants of the city of London, within the dominions of his most serene and mighty prince the King of England, Scotland, France and Ireland, defender of the faith. So help him God. And in regard it will be most acceptable unto  
me

me that the said master or commander be assisted in his just and lawfull affairs, I doe request you and every of you, wheresoever the said master or commander shall arrive with his ship, and the goods laden on board and carryed in her, that you would be pleased to receive him courteously, use him kindly, and admit him upon paying the lawfull and usuall customes and other duties, to enter into, remain in, and passe from your port, river and dominions, and there to enjoy all kind of right of navigation, traffick and commerce, in all places where he shall thinke fit, which I shall most willingly and readily acknowledge upon all occasions. In testimony and confirmation whereof I have with my hand signed these presents, and caused them to be sealed with the publick seal of the colony above-written. Dated in Boston, April 29. 1676, and 28th year of his Majesties reign.

Second Enquiry. What lawes and ordinances are now in force there derogatory or contrary to those of England, and what oath is prescribed by the government?

The lawes and ordinances made in that colony are no longer observed than as they stand with their convenience. The magistrates not so strictly minding the letter of the law when their publick interest is concerned, in all cases more regarding the quality and affection of the persons to their government than the nature of their offence. They see no evill in a church member, and therefore it is very difficult to get any sentence or verdict against him, tho' in the smallest matters.

No law is in force or esteeme there but such as are made by the generall court, and therefore it is accounted a breach  
of

of their privileges and a betraying of the liberties of their commonwealth to urge the observation of the lawes of England or his Majesties commands.

The lawes most derogatory and contradictory to those of England.

All persons of the age of 21 years, being excommunicate or condemned, have liberty to make wills and dispose of lands and estates.

In capital cases, dismembering or banishment; where no law is made by the generall court, or in case of defect of a law in any particular case, the offender to be tryed by the word of God and be judged by the generall court.

Ministers are ordained by the people, and no injunction to be put upon any church officer or member, in point of doctrine, worship or discipline, whether for substance or circumstance, besides the institution of the Lord.

Whoever shall observe christmasse day, or the like festivity, by forbearing to labour, feasting or other way shall pay 5s., and whosoever shall not resort to their meeting upon the Lord's day and such days of fasting and Thanksgiving as shall be appointed by authority, shall pay 5s., no days commanded by the lawes of England to be observed or regarded.<sup>372</sup>

No person shall be impressed or compelled to serve in any wars but such as shall be enterprized by that commonwealth,  
by

<sup>372</sup> Under the administration of Sir Edmund Andros the school and shops in Boston were closed by order of government on Christmas, notwithstanding the declaration of liberty of conscience of James II. See letter of Rev. Joshua Moody to Rev. Increase Mather, 8 Jan-

uary, 1688-9, in *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 369. "And the shutting up, shops on Xmas day, & driving the m<sup>r</sup> out of the school on Xmas Holydaies are very grievous."

by the consent of a generall court, or by authority derived from them.

No person whatsoever shall joine any persons in marriage but a magistrate, it being an honorable ordinance and therefore should be accordingly solemnized.

All persons professing the true christian religion that shall fly to them for succour from tyranny or oppression of their persecutors, or for any necessary or compulsory cause, they shall be entertained and protected amongst them according to that power and prudence God shall give them. By which law Whalley and Goffe and other traytors were kindly received and entertained by Mr. Gookins and other magistrates.

Whosoever shall be in the possession of any land 5 years, altho' the grant of said land was to another, and the possessor have nothing to shew for the alienation thereof but his possession, the possessor shall have the land confirmed to him.

No oath shall be urged or required to be taken by any person but such oath as the generall court hath considered allowed and required.

The oaths of allegiance and supremacy are neither taken by the magistrates nor required to be taken by the inhabitants, only an oath of fidelity to the government is imposed upon all persons as well strangers as inhabitants, upon the penalty of 5*l.* for every week they shall refuse the said oath.<sup>573</sup>

The

<sup>573</sup> " Unless they gave security for their fidelity to the satisfaction of the court. H."

## The oath of a stranger.

You A. B. doe acknowledge yourfelfe ſubject to the lawes of this juriſdiction during your reſidence under this government, and doe ſwear by the great name of the everliving God to engage yourfelfe to be true and faithfull to the ſame, and not to plot contrive or conceal anything that is to the hurt or detriment thereof. So help you God.

## The oath of an inhabitant.

Whereas I A. B. am an inhabitant within this juriſdiction, conſidering how I ſtand obliged to the king's majeſtie his heirs and ſucceſſors by our charter, and the government eſtabliſhed thereby, doe ſwear accordingly by the great and dreadful name of the ever living God, that I will bear faith and true allegiance to our ſovereign lord the king his heirs and ſucceſſors, and that I will be true and faithfull to the government and accordingly yield aſſiſtance thereunto with my perſon and eſtate as in equity I am bound; and will alſo truly endeavour and preſerve and maintain all the liberties and privileges thereof, ſubmitting myſelfe unto the wholeſome lawes made and eſtabliſhed by the ſame; and further, that I will not plot or practice any evil againſt it, or conſent to any that ſhall ſo doe, but will truly diſcover and reveal the ſame to lawful authority now here eſtabliſhed for the ſpeedy preventing thereof. So help me God in our Lord Jeſus Chriſt.

Theſe and other oaths are taken by holding up the hand and not by laying the hand upon the booke.

**Third**

Third Enquiry. What number of church members, freemen, inhabitants, planters, servants or slaves there are, of what profession and estates, and how many of them men able to bear armes?

The magistrates and all other officers in the civil government or in any place of profit or advantage are church members, and consequently freemen, but the number of the church members and freemen compared with the rest of the inhabitants (who are termed the dissenting party) is very inconsiderable, not being reckoned above one sixth part; the most wealthy persons of all professions being men of good principles and well affected to his Majestie. It is nothing but interest and designe that draws most of the people into their church membership and to think well of that religion and government they thrive under.

The inhabitants within this government, including Hampshire and Main, are computed to be upwards of one hundred and fifty thousand souls.

The chief professions are merchants who are principally seated at Boston, Salem, Charlestown, and Portsmouth, and wealthy shopkeepers or retailers, who dwell in most towns of the colony, and get good estates. There are rich men of all callings and professions, and all mechanical arts and occupations thrive well.

The farmers are numerous and wealthy, live in good houses, are given to hospitality, and make good advantage by their corn, cattle, poultry, butter and cheefe.

There are about 30 merchants that are esteemed worth from ten to twenty thousand pounds; most have considerable estates and very great trades, and are an industrious  
and



and thriving people. There are no servants but upon hired wages, except some few who serve four yeares for the charge of being transported thither by their masters, and not above 200 slaves in the colony, and those are brought from Guinea and Madagafcar.

There are men able to bear armes between 30 and 40.000 and in the town of Boston is computed about 4000.<sup>374</sup>

Fourth Enquiry. What number of horse and foot, and whether they be trained bands or standing forces, and what old and experienced officers they have amongst them?

They have no standing army, but their trained bands are twelve troops of horse and six thousand foot; each troop consisting of 60 horse besides officers, are all well mounted and compleatly armed with back, breast, headpiece, buffe coat, sword, carbine and pistols, each troop distinguished by their coats. The foot also are very well furnished with swords, muskets, and bandaliers. There are no pikemen, they being of no use in the warrs with the Indians. The late warrs have hardened their infantry, made them good firemen, and taught them the ready use of their armes. The pay in time of war to a captain of horse is 6*l.* per month, to a captain of foot 4*l.* to a common soldier one shilling a day besides victuals, and in time of peace the officers have an allowance for their expences upon the days of muster. The present governor Mr. Leverett is the only old soldier in the colony, he served in the late rebellion, under the usurper Oliver Cromwell, as a captain of horse. The governor of the colony is always generall, and out of the rest of the magistrates is chosen

the

<sup>374</sup> "This is an extravagant computation. H."

the major-generall; they are places of good profit<sup>375</sup> and no danger, they may stay at home and share the spoyle, while younger men command the army in the field against the enemy.

Fifth Enquiry. What castles and forts are in New-England, and how situated, and what store of provisions are they furnished withall?

Three miles from Boston, upon a small island, there is a castle of stone lately built and in good repair, with four bastions and mounted with 38 guns, 16 whole culverin, commodiously seated upon a rising ground 60 paces from the water side, under which at high water marke is a small stone battery of 6 guns, these command all the vessels sailing up and down the channel of Boston. There is six fathom water by the castle, and no good going up any other way. The present commander is one Capt. Clap, an old man, his salary 50*l.* per ann. There belong to it six gunners, each 10*l.* per ann. No soldiers are there, and seldom above the captain and one gunner, who upon sight of any vessel coming up set up his Majesties flag, the only demonstration of his Majesties authority in those parts, to which all vessels are to strike, and none are to saile out from Boston but they must send their passe to the captain, which is signed by the governor, for which is paid 10*l.* and if it be a bill of health 14*l.* There is a small brick fort lately made at the south end of Boston, with two tyre of guns, 6 in each, as it is made

<sup>375</sup> "The Governor never had more than £100 per annum. I never met with any allowance to a Major-General, and suppose he had none except in actual action. H."

made it is of little use, no officers or soldiers belong to it. One platforme on the north side of the towne, commanding the river to Charlestown, made of loose stones and turfe, mounted with 5 demy culverin, two small guns, no officers.

There is a small fort at Marblehead, upon a neck of land going up to the bay of Boston, but of little use.

And upon the western poynt of Great Island, at the mouth of the river of Pascataway, is a small fort in good repair, very commodiously seated and mounted with 5 guns, formerly built by John Mason, Esq; from this river come the masts and planks for England. Every vessel above 20 tuns, not belonging to the inhabitants of that colony, payes, per tun,  $\frac{1}{2}$  pound of powder, or 9 pence in money, which amounts to a considerable stock.

There are in the publick stores commonly 1000 barrels of powder, with other ammunition and armes proportionable, besides 6000 small armes lately come from England.

At Dorchester, 7 miles from Boston, is a powder mill in good repair, well wrought. There is in the country great quantities of saltpeter, especially upon islands where foule frequent, and in swamps where pigeons roost. The powder is as good and strong as the best English powder; the master of the worke is one Everiden, formerly of Battles in Suffex.

Great guns have formerly been cast in the country, but none at present, the undertakers quarrelling among themselves, and so the workes fell.

There is a great plenty of iron oare, and as good iron made as any in Spain. There are six forges for making of iron in that colony.

The town of Boston, the metropolis of the colony and ref-  
idence

idence of the governor and councill is seated upon a peninsula, which with a small charge might be made very strong, being encompassed by the sea, except a small neck of land of 100 rods at low water, but not 20 at high. The town contains about 2000 houses, most built with tymbre and covered with shingles of cedar, as are most of the houses in the country, some few are brick buildings and covered with tyles.

Sixth Enquiry. What are the reputed boundaries and contents of land?

The ancient bounds of the Massachusets colony was not above 20 miles upon the sea coast,<sup>376</sup> but the present limits are as large as that government please to make them, having some years since taken in the two intire provinces of Hampshire and Mayne, by them, now called after other names and divided into 4 counties, Norfolk, Suffolk, Middlesex and Yorkshire, besides severall considerable townes in the other colonies of New Plymouth and Connecticut; for the Massachusets, having the preheminence in trade, strength and riches, take the liberty to clayme as far as their convenience and interest directs, never wanting a pretext of right to any place that is commodious for them, declaring they doe not know the boundaries of their commonwealth.

And tho' his Majesties commissioners, in the year 1665, did fettle the limits of severall colonies, especially the provinces of Hampshire and Main, and declared to the inhabitants that, by his Majesties commission and authority, they were taken off from the government of the Massachusets,  
to

<sup>376</sup> "The bounds of the colony upon the sea coast were never controverted nor uncertain. H."

to the generall satisfaction and rejoycing of the people, and did constitute justices of the peace and other officers (with the approbation of the proprietors) to act and govern according to the lawes of England, and by such lawes of their owne as were not repugnant thereunto, untill his Majestie should take further order, whereupon his Majestie, by his declaration to the corporation of Boston<sup>377</sup> of the 10th of Aprill 1666, did approve of the actings and proceeding of his said commissioners, and did command that noe alteration should be made, either in the boundaries or government of those colonies, and that all determinations made by said commissioners should be observed and continue untill his Majestie should make his own finall determination, yet neverthelesse, noe sooner were his Majesties commissioners returned for England, but Mr. Leveret, the present governor, Mr. Ting and Captain Pike, and some others entred these provinces in an hostile manner, with horse and foot, and subverted the government there settled by the commissioners, imprisoned severall persons, and compelled the inhabitants to submit to their usurpations. And thus taking all opportunities and advantages to improve their dominions and authority, the jurisdiction of the Massachusets is swelled into a very large territory.

Seventh Enquiry. What correspondence doe they keep with their neighbours the French, and the government of New Yorke?

The French, upon the last treaty of peace concluded between the two crowns of England and France, had Nova Scotia,

<sup>377</sup> "He means the Massachusets Colony often called Boston Government. H."

Scotia, now called Acadie, delivered up to them, to the great discontent and murmuring of the government of Boston, that his Majestie, without their knowledge or consent, should part with a place so profitable to them, from whence they drew great quantities of beaver and other peltry, besides the fishing for cod. Neverthelesse, the people of Boston have continued a private trade with the French and Indians inhabiting those parts for beaver-skins and other commodities, and have openly kept on their fishing upon the said coast, tho' often forbid by the French Kings lieutenant in Acadie last year.

Monfieur La Bourn, governor for the French King there, upon pretence of some affronts and injuries offered him by the government of Boston, did strictly inhibit the inhabitants any trade with the English, and moreover layd an imposition of 400 codfish upon every vessel that should fish upon the coasts, and such as refused had their fish and provisions seized on and taken away.

The French have held a civill correspondence with the inhabitants of Hampshire and Main and Duke's province, tho' the government of Boston, on all occasions, is imposing upon the French, and encouraging an interloping trade, which causes jealousies and feares in the inhabitants bordering upon Acadie, that the French will, some tyme or other, suddainly fall upon them, to the breach of the nationall peace. The government of the Massachusets hath a perfect hatred for the French, because of their too near neighbourhood, and losse of their trade, and looke upon them with an evill eye, beleeving they have had a hand in the late warre with the Indians.

As for New Yorke, there were severall things in matters of trade which occasioned a difference between the two governments, which at length rose so high that it came to a stop of trade, the Governor of New Yorke not permitting any European goods to be imported into that colony from Boston, that had not the certificate or other sufficient proof to have paid custom in England, which hath ever since occasioned a misunderstanding between them.

In the late Indian warre, the government of Boston did greatly complain of Fort Albany, that from thence the Indians were supplied with armes and ammunition, and were encouraged to begin and prosecute the warre, but this great outcry is judged by the wiser and sober sort of people to be without any just cause, but rather a report raised out of malice and envy; for the government of the Massachusetts love no government that is not like their own, and therefore they were more kind and friendly to the Dutch (even in tyme of warre) when they were possessed of New Yorke, than they are to their countrymen the English. However, the governor of New Yorke hath proved very serviceable to the Massachusetts in this warre, and had the magistrates of Boston either conferred with or hearkened to the advice of Colonel Andros, the Indian warre had either been diverted or proved lesse destructive; for he offered and would have engaged the Mowhawkes and Maquot Indians to have fallen upon the Sachem Philip and his confederates, but his friendly advice and offers were slighted.<sup>78</sup> Nevertheless, Colonel Andros, out of his duty to his Majestie, kept the  
aforesaid

<sup>78</sup> "I never met with any evidence of this. H."

aforesaid Indians from taking any part with the Sachim Philip.

**Eighth Enquiry.** What hath been the originall cause of the present warre with the natives? What are the advantages or disadvantages arising thereby and will probably be the End?

Various are the reports and conjectures of the causes of the present Indian warre. Some impute it to an imprudent zeal in the magistrates of Boston to christianize those heathen before they were civilized and injoyning them the strict observation of their lawes, which to a people so rude and licentious, hath proved even intollerable, and that the more, for that while the magistrates, for their profit, put the lawes severely in execution against the Indians, the people, on the other side, for lucre and gain, intice and provoke the Indians to the breach thereof, especially to drunkenness, to which those people are so generally addicted that they will strip themselves to their skin to have their fill of rum and brandy, the Massachusetts having made a law that every Indian drunke should pay 10s. or be whipped, according to the discretion of the magistrate. Many of these poor people willingly offered their backs to the lash to save their money; whereupon, the magistrates finding much trouble and no profit to arise to the government by whipping, did change that punishment into 10 dayes worke for such as could not or would not pay the fine of 10s. which did highly incense the Indians.

Some believe there have been vagrant and jesuiticall priests, who have made it their business for some yeares past,



past, to goe from Sachim to Sachim, to exasperate the Indians against the English and to bring them into a confederacy, and that they were promised supplies from France and other parts to extirpate the English nation out of the continent of America. Others impute the cause to some injuries offered to the Sachim Philip; for he being possessed of a tract of land called Mount Hope, a very fertile, pleasant and rich soyle, some English had a mind to dispossesse him thereof, who never wanting one pretence or other to attain their end, complained of injuries done by Philip and his Indians to their stock and cattle, whereupon Philip was often summoned before the magistrate, sometimes imprisoned, and never released but upon parting with a considerable part of his land.

But the government of the Massachusetts (to give it in their own words) do declare these are the great evils for which God hath given the heathen commission to rise against them: The wofull breach of the 5th commandment, in contempt of their authority, which is a sin highly provoking to the Lord: For men wearing long hayre and perewigs made of womens hayre; for women wearing borders of hayre and for cutting, curling and laying out the hayre, and disguising themselves by following strange fashions in their apparell: For profanesse in the people, not frequenting their meetings, and others going away before the blessing be pronounced: For suffering the Quakers to live amongst them and to set up their thresholds by Gods thresholds, contrary, to their old lawes and resolutions.

With many such reasons, but whatever be the cause, the English have contributed much to their misfortunes, for they  
first

first taught the Indians the use of armes, and admitted them to be present at all their musters and trainings, and shewed them how to handle, mend and fix their muskets, and have been furnished with all sorts of armes by permission of the government, so that the Indians are become excellent firemen. And at Natick there was a gathered church of praying Indians, who were exercised as trained bands, under officers of their owne; these have been the most barbarous and cruel enemies to the English of any others. Capt. Tom, their leader, being lately taken and hanged at Boston, with one other of their chiefs.

That notwithstanding the ancient law of the country, made in the year 1633, that no person should sell any armes or ammunition to any Indian upon penalty of 10*l.* for every gun, 5*l.* for a pound of powder, and 40*s.* for a pound of shot, yet the government of the Massachusetts in the year 1657, upon designe to monopolize the whole Indian trade did publish and declare that the trade of furs and peltry with the Indians in their jurisdiction did solely and properly belong to their commonwealth and not to every indifferent person, and did enact that no person should trade with the Indians for any sort of peltry, except such as were authorized by that court, under the penalty of 100*l.* for every offence, giving liberty to all such as should have licence from them to sell, unto any Indian, guns, swords, powder and shot, paying to the treasurer 3 shillings<sup>79</sup> for each gun and for each dozen of swords; 6*d.* for a pound of powder, and for every ten pound of shot, by which means the Indians have been abundantly furnished with great store of armes and ammunition to the

utter

<sup>79</sup> "3*d.* in former edition. A."

utter ruin and undoing of many families in the neighbouring colonies to enrich some few of their relations and church members.

No advantage but many disadvantages have arisen to the English by the warre, for about 600 men have been slain and 12 captains, most of them brave and stout persons and of loyal principles, whilst the church members had liberty to stay at home and not hazard their persons in the wilderness.

The loss to the English in the several colonies, in their habitations and stock, is reckoned to amount to 150,000*l.* there having been about 1200 houses burned, 8000 head of cattle, great and small, killed, and many thousand bushels of wheat, pease and other grain burned (of which the Massachusetts colony hath not been damaged one third part, the great loss falling upon New Plymouth and Connecticut colonies)<sup>380</sup> and upward of 3000 Indians men, women and children destroyed, who if well managed would have been very serviceable to the English, which makes all manner of labour dear.

The warre at present is near an end, for the Sachem Philip not being able to support his party or confederates hath left them to make the best terms they can; he himself skulking in the woods with a small party of two or three hundred men; being in despair of making his peace. In Plymouth colony the Indians surrender themselves to Gov.

Winslow,

<sup>380</sup> "Randolph shows his malice against the Massachusetts in this misrepresentation, for Connecticut suffered but little by the war, and the Massachusetts lost more of their substance as well as of their inhabitants than both the other colonies together. H."

Winflow, upon mercy, and bring in all their armes, are wholly at his disposall, except life and transportation; but all such as have been notoriously cruell to women and children, so soon as discovered they are to be executed in the sight of their fellow Indians.

The government of Boston have concluded a peace upon these termes.

1. That there be henceforward a firme peace between the Indians and English.

2. That after publication of the articles of peace by the generall court, if any English shall willfully kill an Indian, upon due proof, he shall dye, and if an Indian kill an Englishman and escape, the Indians are to produce him, and he to passe tryall by the English lawes.

That the Indians shall not conceal any known enemies to the English, but shall discover them and bring them to the English.

That upon all occasions the Indians are to ayd and assist the English against their enemies, and to be under English command.

That all Indians have liberty to sit down at their former habitations without let.

Ninth Enquiry. What are the commodities of the production, growth and manufacture of the country, and what are those imported from other places, and particularly how the trade and navigation is carryed on, whether directly to and from England or otherwise, what number of ships do trade thither yearly, and of what burthen they are and where

where built; and lastly, what notice is taken of the act of navigation?

The commodities of the production, growth and manufacture of New England are, all things necessary for shipping and naval furniture in great abundance, as excellent oake, elme, beech, firre, pines for masts the best in the world, pitch, tarre, hempe, and iron not inferior to that of Bilboa, clapboards, pipe staves, planks and dealboards, so that his Majestie need not be beholding to other nations for naval stores.

It abounds with horses, beefes, sheep, hogs and goats, with mighty numbers of wild beasts, as beaver, otter, moose, deer, stags, foxes, musquash, and severall other sorts, whose skins produce great profit yearly. Also great plenty of wheat, rye, barley, oats and pease, fruits of most kinds, especially apples, whereof they make great quantities of excellent cider. Fish of all sorts, especially cod, mackarell and herring, which are very large and fat. These are the staple commodities and are exported.

To Virginia, Jamaica and Maryland, beef and porke salted, pease, flower, bisket and mault, codfish and salt mackarell.

To Barbadoes, Nevis, St. Christopher and other islands, the above commodities, together with horses, dealboards, pipestaves, and houses ready framed.

To Spain, Portugall and the Straights, Maderas and Canary islands, fish and timber, pipestaves and dealboards.

To England, masts and yards for ships, firre and oake planks, with all sorts of peltry.

The commodities imported from the plantations are tobacco, sugar, indico, cotton wool, ginger, logwood, fustick,  
cacao

cocoa and rume, the which are again transported to other parts.

The trade and navigation is carried on by a generall traffick to most parts of Europe, as England, Scotland, Ireland, Spain, France, Portugall, Holland, Canaries, and the Hans townes, carrying to each place such commodities as are vendible, either of their own growth and manufacture or those of the other plantations, and doe make their returns in such goods as are necessary and vendible either in New England, or in any other of his Majesties dominions in America; as brandy, Canary, Spanish and French wines, bullion, salt, fruits, oyles, filkes, laces, linnen of all sorts, cloath, serges, bayes, kerfies, stockings, and many other commodities, which they distribute into all parts of the West-Indies; so that there is little left for the merchants residing in England to import into any of the plantations, those of New England being able to afford their goods much cheaper than such who pay the customes and are laden in England. By which meanes this kingdome hath lost the best part of the western trade, there being very little exported hence but only such commodities as are properly the product and manufacture of England and cannot be had in other parts.

It is the great care of the merchants to keep their ships in constant employ, which makes them trye all ports to force a trade, whereby they abound with all sorts of commodities, and Boston may be esteemed the mart town of the West-Indies.

There are some ships lately sent to Guinea, Madagascar and those coasts, and some to Scanderoon, laden with masts and yards for ships.

There are severall vessels yearly built there and sold in England and other parts, which they build very cheap.

There are built in and belong to that jurisdiction.

$$\left\{ \begin{array}{c} 30 \\ 200 \\ 200 \\ 300 \end{array} \right\} \text{ Vessels from } \left\{ \begin{array}{c} 100 \\ 50 \\ 30 \\ 6 \end{array} \right\} \text{ to } \left\{ \begin{array}{c} 250 \\ 100 \\ 50 \\ 10 \end{array} \right\} \text{ Tuns.}$$

There are about 30 master-builders of ships, and ship-carpenters and other workmen and artificers proportionable.

The chief places for building are Boston, Charlestown, Salem, Ipswich, Salisbury and Portsmouth. Good ships are built for foure pounds the tun.

There is no notice taken of the act of navigation, plantation, or any other lawes made in England for the regulation of trade. All nations having free liberty to come into their ports and vend their commodities, without any restraint; and in this as well as in other things, that government would make the world believe they are a free state and doe act in all matters accordingly, and doe presume to give passports to ships, not only belonging to that colony but also to England, without any regard to those rules prescribed by his Majestie.

Tenth Enquiry. What are the taxes and fines layd upon the country, what rates and duties are charged upon goods exported and imported, what publick revenue doth arise to the government, of what nature it is and how and by whom it is collected and exacted?

The taxes layd upon the country and duely collected are,  
Poll-money. Every male person of 16 years of age and  
upwards,

upwards, both inhabitant, lodger, child, fervant or slave payes yearly one shilling and eight pence per head.

Land-tax. Upon all estates reall and personall there is paid yearely, one penny for every twenty shillings value, upon lands, houses, mills, ships, goods, cattle, and all other known estate, whether at home or at sea. The estates of merchants and shop-keepers, being inhabitants, are rated by the rule of common estimation, according to the will and doome of the assessors. All handicraftsmen are rated for their returns and gains in their callings proportionable to others. Every merchant stranger's estate is rated and payes according to the cargo he brings into the country.

Law-suits. All actions of the value of two pounds pay at entry 10s. of ten pounds, 15s. of twenty pounds and upwards, 20s. petitions to the court to obtain a debt or favour 10s. Magistrates and ministers and church elders pay no pollmoney or other taxes upon lands or personall estates.

Customs. Upon all goods imported either by sea or land.

All goods, wares, and merchandizes, living cattle and provisions doth pay for every hundred pound value . . .	£ . s. d.
Fayall wines or of the western islands, per tun . . .	0 10 0
Madera wine . . . . .	0 13 4
Canary, Sherry and Malaga wine . . . . .	1 0 0
French wines . . . . .	0 10 0
Brandy wine . . . . .	2 0 0
Every ship of 200 tuns and upward payes . . . . .	0 10 0
And small vessels, each voyage . . . . .	0 6 8
Stranger's vessels according to their burth. p. tun . . .	0 0 6
Every vessel aboue 20 tuns not built in the colony payes each voyage half a pound of powder per tun, or in money	0 0 9
EXCISE.	



Excise. Upon all liquors retayled in publick houses, cider,	£	s.	d.
beer & ale, per hoghead . . . . .	0	2	6
Mumme, the hoghead . . . . .	0	5	0
Vintners and retailers of wine doe pay per tun . . . . .	5	0	0
Brandy and all strong liquors per gallon . . . . .	0	8	0

All publick houses are licensed by the magistrates and are obliged to clear their accounts of excise monthly, upon oath.

For armes and ammunition sold to the Indians.

For each gun . . . . .	3s.	For powder the pound . . .	6d.
For a dozen swords . . . . .	3s.	For shot every ten pound . .	6d.

No custom upon any thing exported except horses, which pay 6*d.*

The publick revenue of the colony is computed to be upwards of 20000*l.*<sup>381</sup> and is disposed of as the governor and magistrates think fit, without giving any account to the country, by which meanes whosoever comes into the magistracy hath an opportunity of growing rich and advancing his relations; it being exceeding profitable to be a magistrate of that corporation. It was generally believed there was a great bank of money in the treasury, there having been large sums collected from the year 1652, and little occasion of publick expence besides salaries to the magistrates and other officers, and maintaining a publick table: But, upon occasion of a present supply for carrying on the Indian warre, it was desired by severall of the principall inhabitants that

<sup>381</sup> "Randolph has put one cypher more than he should have done. Their annual charges never rose to £2000 until the Indian war, then indeed they were greatly increased, but not the revenue in any proportion, the colony being left greatly in debt which was not paid in several years. H."

that monies might be issued out of the publick treasury, but upon examination it appeared that stock had been otherwise disposed of and not one penny to be found, so that for the warre 50000*l* hath been rayfed upon that colony.<sup>382</sup>

The poll money and land taxes are payd in money, and collected by the constables of each town. The customes are most commonly payd in money, or the best of the specie at price curreant, and are collected by officers purposely appointed, the present collectors being the governor's son in law and the late treasurer's son.

The excise is gathered by such as the treasurer deputes and is payd in money.

There is a reasonable quantitie of silver money in the colony, but no gold.

Eleventh Enquiry. How they generally stand affected to the government of England, what persons are most popular and at present in the magistracy, or like to be at the next election?

The inhabitants are generally well affected to his Majestie and his government, as well the merchants and farmers as the meaner traders and artificers, who groan under the yoke of the present government, and are in dayle hopes and expectations of a change, by his Majesties reassuming the authority and settling a general government over the whole country, without which it is feared civill warrs will in a short time breake out between the colonies, the government of the Massachufets dayly imposing and incroaching upon their neighbours,

<sup>382</sup> "This, I doubt not, is a most injurious insinuation. H."

neighbours, and therefore the loyal colonies of New Plymouth, Connecticut, New Hampshire and Main, seeing these inconveniences daily increasing by a divided government, are very desirous of submitting to a general governour to be established by his Majestie.<sup>383</sup>

Amongst the magistrates some are good men and well affected to his Majestie, and would be well satisfied to have his Majesties authority in a better manner established, but the major part are of different principles, having been in the government from the time they formed themselves into a commonwealth. These direct and manage all affaires as they please, of which number are Mr. Leverett, governour, Mr. Symons, deputy-governour, Mr. Danforth, Mr. Ting, Major Clarke and Major Hathorn, still continued a magistrate, tho' commanded by his Majestie upon his allegiance to come into England, yet refused, being encouraged in his disobedience by a vote of the court, not to appear, upon some reasons best known to themselves. These, with some few others of the same faction, keep the country in subjection and slavery, backed with the authority of a pretended charter. These magistrates have continually disobeyed his Majesties command contained in his royall letters 1662, 64, 65, 66, and those of March last, ever reserving to themselves a power to alter, evade and disannull any law or command not agreeing with their humour, or the absolute authority of their government, acknowledging no superior or admitting any appeal to his Majestie, whose armes are not set up in any of their courts, meetings or publick assemblies. The

<sup>383</sup> "Not one man in a hundred throughout the government then desired it. H."

The most popular and well principled men are Major Denison, Mr. Broadstreet and Mr. Dudley, in the magistracy; and of military men Major Savage, Captains Curwin, Saltonstall, Brattle, Richards, Gillam, Moseley, Majory, Champernoon, Shapleigh, Phillips, with many others, who only wait for an opportunity to expresse their duty to his Majestie.

The present magistrates are Mr. Leverett, governor, Mr. Symons, deputy governor, Major Dennison, Mr. Ting, Danforth, Bradstreet, Hathorn, Pynchon, Stoughton, Clarke, Dudley, Russell lately dead.

Whoever are in the magistracy doe for the most part continue till death, by the help of persons of their faction and of a law commanding that at every new election the former magistrates be first put to vote, upon penalty of ten pounds.

The clergy are for the most part very civill and inclining to his Majesties government, being held in subjection by the ruling elders, who govern all affairs of the church.

Twelfth Enquiry. What is the present state of the ecclesiasticall government, how are the universities, at present, filled and by whome governed?

The ecclesiasticall government is in the hands of lay-elders, these being the lawes and constitutions.

No person is permitted to gather a church without the approbation of three of the magistrates and the elders of the neighbour churches.

Every church hath liberty of election and ordination of officers and ministers to exercise all the ordinances of God, according to the rules of the Scripture. To celebrate daies  
of

of fasting, prayer and thanksgiving, according to the word of God. No injunction to be put upon any church, church officer, or member in point of doctrine, worship or discipline, whether for substance or circumstance, besides the institution of the Lord. Hath liberty of admission, recommendation, dismissal and expulsion of their officers and members, with free exercise of the discipline and censures of Christ, according to the rules of the word.

The civill authority hath power to see the peace, ordinances and rules of Christ observed in every church and to deal with any church member, in a way of civill justice, notwithstanding any church relation, office or interest.

No church censure shall degrade or depose any man from any civill dignity, office or authority he shall have in the commonwealth.

Whosoever shall interrupt any minister in his preaching or charging him with any error he hath not taught, shall pay five pounds.

The ministry in Boston are payd by a collection weekly made in the severall congregations, by the elders, who give the minister what they think fit; but in other towns they have a settled maintenance by a rate layed on every inhabitant, and houses are provided for them.

There are three colledges built in Cambridge, one with timber at the charge of Mr. Harvard and bears his name; a small brick building called the Indian colledge, where some few Indians did study, but now it is a printing house; new-colledge, built at the publick charge, is a fair pile of brick building covered with tiles, by reason of the late Indian warre not yet finished. It contains 20 chambers for  
students,

students, two in a chamber; a large hall, which serves for a chappel; over that a convenient library, with some few bookes of the ancient fathers and school divines, but in regard divinity is the generall study, there are many English bookes of the late non-conformist writers, especially Mr. Baxter and Dr. Owen. Here they teach Hebrew before they well understand Latin. No formalities or distinctions of habits, or other decencies, as in England, much lesse these exhibitions and supports for schollars. They take no degrees above master of arts.

Their commencement, kept yearly the 2d of August, in the meeting-house, where the governor and magistrates are present, attended with throngs of illiterate elders and church members, who are entertained with English speeches and verses. Most of the students are come for England, and at present no settled president, but one Mr. Oakes, a rigid independent, supplies the place. The allowance of the president is 100*l.* per ann. and a good house. There are but 4 fellowships, the two seniors have each 30*l.* per ann. and the two juniors 15*l.* but no diet is allowed: There are tutors to all such as are admitted students. Mr. Thomas Graves, an ingenious and worthy person, was put by his fellowship, by the late Dr. Hoar, because he would not renounce the church of England. The government of these colledges is in the governor and magistrates of the Massachusets and the president of the colledge, together with the teaching elders of the six adjacent towns.

As to the colonies of New-Plymouth and Connecticut, it is humbly offered.

The lawes of England are there observed with such of their own as are not contradictory thereunto. The oath of allegiance is taken by every magistrate and officer, whether civill or military, and by all freemen. All commissions, proclamations, writs and summons are in his Majesties name.

The number of inhabitants in both colonies are computed to be 80000 soules. There are no slaves, only hired servants. The chief professions are farmers, graiers and fishermen. Very few merchants, they being supplied with all foreign commodities from Boston.

The militia consists of 4 troops of horse and 5 regiments of foot, who are well armed and disciplined, no old soldiers among them. The number fit to bear armes 20000.

The country is very fertile and pleasant and abounds in corn and cattle, and produceth very good horses, the best in all N. E. which are sent into severall parts. There is a great abundance of tarre and excellent good hemp, and there is made good quantity of whale oyle, which fish they take upon the coasts. The act of navigation is duely observed. No stranger is admitted to come into their ports. They have no ships of burthen, but only small ketches and barks, to trade along the coasts and take fish.

They are generally very loyall and good people, and doe upon all occasions expresse great love to the person and government of his Majestie, and doe heartily wish that his Majesties authority were established over the whole country.

The present governor of New Plymouth is Josiah Winslow, Esq; a person eminently popular and beloved in all the colonies of N. E. and was generall of the united forces against the Indians.

The

The governor of Connecticut is Wm. Leet, Esq; a very worthy person, as are most of the magistrates of that colony.

The losses which these colonies have sustained by the Indian warre is estimated to be near 100.000 pound.

This is (may it please your Lordships) the best account I have been able to gather, during my short stay in those parts, as well from my own observation as from the information of others. And for what passed particularly between the magistrates of Boston and myself, upon the delivery of my letters, and with the inhabitants of that and other colonies, I have presented his Majestie with a short narrative. A copy whereof is hereunto annexed.

EDWARD RANDOLPH.

12 October 1676.

RANDOLPH TO THE KING; REPORT OF EMBASSY.

*State Papers, Colonial, Bundle 52 (104), 17 Nov. 1676.*

Observations upon the Councill of Boston's lett'  
received 30 Novb' 76.

To the Kings most Excellent Maj<sup>ty</sup>

May it please yo<sup>r</sup> Maj<sup>ty</sup>

Having since my returne to England, seen the answer which the Magistrates of Boston thought fitt to give, to yo<sup>r</sup> Maj<sup>ty</sup> Letters of the 10<sup>th</sup> of March last, which by yo<sup>r</sup> Maj<sup>ty</sup> command I carried and delivered unto them: Wherin they say, That by reason of the heavy pressures of the Indian warr, together with an epidemical sickness, did impede the convening



convening of the General Court: with whom according to constitution by Pattent it lyes to make answer.

And knowing that what they alleadge for their excuse, in not complying with yo<sup>r</sup> Maj<sup>ty</sup> Commands to be most shamefull pretences, and notorious falcehoods I beleevved it my duty to give yo<sup>r</sup> Maj<sup>ty</sup> this true information, which I will Justifie upon oath when therto required.

As for the Indian warr, it was ended and a peace concluded, and the Articles published, before I came from New England, moreover that Government of the Massachusets hath not suffered soe much by the Indians as the other Colonies of New Plymouth and Connecticut.

Neither was there any sickness or distemper extraordinary, among them, But the Country was generally as healthy as it had been known for any time before. A little before my arrival at Boston, three or four Rich old men dyed, more overworn with age, then any other disease, of which M<sup>r</sup> Rufel the Treasurer was one, a man about Seaventy years of age, and this made a great out cry among them.

And during my stay in Boston all the Magistrates were in that Towne about one moneth together, wherupon I sollicitated the Governor to call a General Court, and particularly upon the 23<sup>th</sup> of June, I gave in a Memorial to the Governor and Council, requiring that upon occasion of yo<sup>r</sup> Maj<sup>ty</sup> Letters a General Court might be assembled, that soe I might carry back their answer to yo<sup>r</sup> Ma<sup>ty</sup>. But to this they gave me their answer in writing, that they had already sent yo<sup>r</sup> Ma<sup>ty</sup> their answer by their Letter of the 13<sup>th</sup> of June and for doing this my duty, and pursuing my Instructions I was Judged by them to have exceeded my Errand, and in a menacing way

way was advised, soe to demean my self, as not to be found either slighting, or imposing upon their authority.

As to their constitution by their pretended pattent, the exprefs words are these That the Governor or Deputy Governor, with any six of the Assistants shalbe a full and General Court, for the ordering and dispatching all busines, and making of laws, and moreover by their own laws it is enacted, That where such a Number as Seaven cannot meet, yet upon any urgent occasion the Act of such as doe meet, shalbe esteemed valid and good. And when yo' Ma<sup>ty</sup> Letters were read there were seaven of the Magistrates then present in Council The Country also was soe quiet, that about the 27<sup>th</sup> June some of the Magistrates went into the provinces of Hampshire and Main about one hundred miles from Boston to keep Courts for the tryal of causes, and settling other matters relating to Government.

It was the opinion of severall of the most eminent Inhabitants, that the Government of Boston would not send over any Agents to appear before yo' Maj<sup>ty</sup> for that they had often disobayed yo' Royal Commands, especially of the 10<sup>th</sup> of Aprill 1666 and having hitherto escaped unpunished, they would still persist in their disobedience, in hopes that something might intervene to hinder yo' Ma<sup>ty</sup> from looking towards them, and soe would hold the Government as long as they could. All which I humbly certifie.

EDW<sup>d</sup> RANDOLPH.

17 Novem<sup>r</sup> 1676.

PETITION

## PETITION FROM MASSACHUSETTS.

*State Papers, Colonial, Bundle 52, 13 Dec. 1676.*

Read in Councill Dec: 13: 1676.

Ent<sup>r</sup> N: E: p: 182.

To the Kings most Excellent Majestie.

The humble Petition & Adresse of the Govern<sup>r</sup>s & Company of the Massachusets bay in New England.

In Generall Court Assembled.

Most Graciouse &amp; Dread Sovereigne

What the calamitous & deeply distressed estate of this Your Ma<sup>ties</sup> Colony (in conjunction with its neighbours & confæderates) labouring under the wofull & tragicall effects of more then a yeers cruell & unintermitted warre with the Natives hath ben & was at the time of the arrivall of Your Ma<sup>ties</sup> gracious Letter by M<sup>r</sup> Edward Randolph relating to the claimes of M<sup>r</sup> Gorges & M<sup>r</sup> Mason, hath of late ben humbly informed, by the account given to M<sup>r</sup> Secretarie S<sup>r</sup> Joseph Williamson, to be præsentèd to Your Royall Self, which, we hope, hath obtained a gracious reception; & our necessary apology therefrom, for our no sooner yeilding a full obedience to your Majesties royall commands, a like acceptance. Since that time it hath pleased Almighty God, to whome vengeance belongeth, to plead our cause against the insolent heathen, both by laying a restreint upon them, & thereby for a season giving us a respite from their violent & depopulating incursions; & also by making the expeditions of Yo<sup>r</sup> loyall subjects against them in o<sup>r</sup> Southern & Western parts so far prosperous that multitudes of them, together with their Sachems, principall counsellors & com-  
anders,

anders, yea Philip himself, whose head & hand were first in the designe, are cut off & destroied, most of the remainders being forced either to submit to mercy, or to quit their old & seek new habitations farre remote in the wildernesse. This singular smile of Divine Providence gave us fair hopes of such a calmnesse & composednes in o' publike affaires, as might well suit with our intended convening & best further our desires & resolution of attending your Royall pleasure signified to us: But suddainly & unexpectedly we are al-larum'd by the irruption & treacherous vilany of a new enemy (together with some of the former) springing up in those Easterne parts, concerning which the controversie between us & the complainants against us doth arise. So that at the same time, when the high (though most untrue) Imputations & unworthy reflections cast upon us by our accusers (whose confidence therein we are made not a litle to wonder at) do call us to mainteine o' title & justifie our proceedings in the court of our Gracious Sovereigne, we are necessitated once againe with the uttermost hazard of our persons & great expence of our estates (so deeply exhausted before) to defend the lives of your Majesties subjects in those places (crying aloud for succour) & to dispute Your Majesties & our own possession in the dismall deserts with a bloody & most barbarous enemy. Yet are we Royall Sir, most willing in observance of Your Majesties commands (humbly craving that benigne construction which y<sup>e</sup> favour of our Pattent entitles us unto, & Your Majesties Princely candor suffers us not to doubt of) to offer our pleas & produce our evidences in this matter, which being weighed in the balance of your Royall impartiall judgement will appear (we  
presume

perfume) such as will abundantly clear up our right to those Easterne parts to be undoubted, according to the plaine intent & necessary fence of the words of our Pattent, & sufficiently make it appear that our administrations & government there have ben no ways derogatory to Your Majesties honour nor prejudiciall to Your Royall interest in this wilderness, but many ways beneficiall, as also satisfactory to the inhabitants Your Ma<sup>ties</sup> subjects upon the place. Sure we are (& herein we doubt not to make our appeal to the Searcher of hearts) that no intention of wrong to the claimers, no unlawfull designe of enlargement of our borders, no profit or advantage thereby accruing (the contrary whereunto we have hitherto found) but a grounded apprehension of our interest, reall compassion to the petitioning inhabitants in an unsettled & suffering condition, together with a fence of duety incumbent to be faithfull to our Pattent-trust did cause us to receive them under the wing of Your Majesties Government in this Colony established. The farther management of our defence, as to these our proceedings complained of, by a more full & particular Information & præsentment of what we have to say for ourselves we have betrusted with William Stoughton and Peter Bulkly Esq<sup>r</sup> for whome as for our selves with most humble prostration we beg Your Ma<sup>ties</sup> countenance and favour. And herein, Great Sir, we are not a litle encouraged, not only by that new & ample testimony of your Majesties Royall justice, manifested in reserving an open ear for your poor subjects, at such a distance, & Princely Favour in transmitting the copies of the complaints exhibited & affording time & opportunity to appear for our defence: But also by a large &  
long

long continued experience of Your Ma<sup>ties</sup> Graciouse disposition & respect to us & our concernments, That we cannot but most gladly declare that thereunto, next under God, we owe it, that none of those many injuriouse suggestions, unjust criminations, & renewed sollicitations against us by persons ill-affected to our Constitution & wellfare (designed to create an impression of displeasure in Your Royall breast towards us) have not hitherto prevailed that Your Majesties gracious aspect should suffer an Ecclypse (especially now in this day of our trouble, bespeaking the influences of Your Fatherlie Commiseration) we have as litle cause to beleive, as we are humblie confident, we have ever ben industriously carefull not to incurre the forfeiture thereof, but sollicitous above all earthly things to preserve & mainteine the Same by approving ourselves

Royall Sovereigne

Your Majesties most humble and loyall Subjects

JOHN : LEVERETT GOV<sup>r</sup>

w<sup>th</sup> the Consent of the Ge<sup>srll</sup> Cō

REPRESENTATION OF Y<sup>e</sup> AFFAIRES OF N: ENGLAND  
BY M<sup>r</sup>. RANDOLPH.

*State Papers, Colonial, Bundle 52 (112), 6 May, 1677.*

The present State of the affaires of New England depending before the Lords of the Committee for Plantations are reduced to Two heads Viz<sup>t</sup> matter of Law and ffact.

Matter of Law ariseth from the Title of Lands and Government claimed by M<sup>r</sup> Mason and M<sup>r</sup> Gorges in their Several provinces of New Hampshire and Main, and also what right and Title the Massachusets have to either Land or

Government in any part of New England ; these are referred to the Lords Cheif Justices of the Kings Bench and Common Pleas for their Opinion.

Matters of ffact concerne as well his Maj<sup>tie</sup> as M<sup>r</sup> Mafon and M<sup>r</sup> Gorges, and against the Government of the Massachufets these following Articles will be proved.

1. That they have noe right either to Land or Government in any part of New England and have allwayes been Vfurpers.

2. That they have formed themselves into a Common Wealth, deneying any Appeals to England, and contrary to other Plantations doe not take the Oath of Allegiance.

3. They have protected the Late Kings Murtherers, directly contrary to his Maj<sup>ties</sup> Royall Proclamation of the 6<sup>th</sup> of June 1660 and of his Letters of 28<sup>th</sup> June 1662.

4. They Coine money with their owne Imprefs.

5. They have put his Maj<sup>ties</sup> Subjects to death for opinion in matters of Religion.

6. In the yeare 1665 they did violently oppose his Maj<sup>ties</sup> Commission<sup>rs</sup> in the Settlement of New Hampshire and in 1668 by Armed fforces turned out his Maj<sup>ties</sup> Justices of the peace in the Province of Main in Contempt of his Maj<sup>ties</sup> Authority and Declaration of the 10<sup>th</sup> of Aprill 1666.

7. They impose an Oath of ffidelity upon all that inhabit within their Territoryes To be true and ffaithfull to their Government.

8. They violate all the Acts of Trade and navigation, by which they have ingrossed the greatest part of the West India Trade whereby his Maj<sup>ties</sup> is damaged in his Customs above 100 000<sup>li</sup> yearly and this Kingdome much more.

Reasons

Reasons induceing a Speedy hearing and Determination.

1. His Maj<sup>ties</sup> hath an oppertunity to Settle that Country under his Royall Authority with Little charge S<sup>r</sup> John Berry being now at Virginia not farr distance from New England, and it Lyes in his way home, where are many good harbours free from the worms, convenient Townes for Quartering of Souldiers, and plentiful Accomidation for men and shipping.

2. The Earnest desire of most and best of the Inhabitants (wearied out with the Arbitrary proceedings of those in the present Government) to be under his Maj<sup>ties</sup> Governement and Laws.

3. The Indians upon the Settlement of that Country it is presumed would vnanimously Submitt and become very Servicable and vsfull for improveing that Country there being vpward of Three hundred Thousand English inhabiting therein.

Proposals for the Setling of that Country.

1. His Maj<sup>ties</sup> Gracious and General pardon vpon their conviction of haveing acted without and in Contempt of his Maj<sup>ties</sup> Authority will make the most refractory to comply to save their Estates.

2. His Maj<sup>ties</sup> declaration of confirming vnto the Inhabitants the Lands and houses they now possels vpon payment of an Easie Quit rent and granting Libertie of Conscience in matters of Religion.

3. His Maj<sup>ties</sup> Commission directed to the most Eminent persons for Estates and Loyalty in every Colony to meet consult and act for the present peace and Safety of that Country



try dureing his Maj<sup>ties</sup> pleafure, and that Such of the preſent Magiſtrates be of the Councill as ſhall readily comply with his Maj<sup>ties</sup> Commands in the Settleing of the Country and a pention to be allowed them out of the publicque Reuenuē of the Country with Some Title of Honour to be conferred vpon the moſt deſerveing of them, will cauſe a generall Submiſſion.

All which is humbly offered to Conſideration by

EDWARD RANDOLPH.

Rece'd frō m<sup>r</sup> Bridgman

6: May 1677.

Memōdū 13 May: M<sup>r</sup> ſec<sup>r</sup> Williamſon acq<sup>d</sup> their Lordſhips that his Ma<sup>ty</sup> had referred it to them.

[*Endorſed*]

Propoſals concerneing affaires

[In] New England.

#### PAPERS READ BEFORE THE COMMITTEE, &c.

*State Papers, Colonial, Entry Book, 105, p. 52.*

At the Committee of Trade and Plantations

In the Council-Chamber at Whitehall

Thurſday the 7<sup>th</sup> of June, 1677

Preſent: Lord Privy Seale, Duke of Ormond, Earle of Bridgewater, Earl of Carlisle, Earl of Craven, Lord Fauconberg, M<sup>r</sup> Vice Chamberlane, M<sup>r</sup> Sec<sup>r</sup> Coventry, M<sup>r</sup> Chanc<sup>r</sup> of y<sup>e</sup> Excheq<sup>r</sup>, M<sup>r</sup> Attorney, attending.

Their Lo<sup>ds</sup> take notice that the caſe of M<sup>r</sup> Maſon, and New England. M<sup>r</sup> Gorges, againſt the Corporation of Boſton, has been long ſince depending before the Judges, Order that they bee haſtned to make their Report.

A

A paper concerning the Government of the Massachusetts Colony, given by M<sup>r</sup>. Randolph, into the Committee of Forreigne Affaires, and referred vnto the examination of the Committee, by His Ma<sup>ties</sup> Order signified by M<sup>r</sup>. Sec<sup>ry</sup>. Williamfon of the 31<sup>st</sup> of May last, is read, and the several Heads particularly considered.

Mem<sup>brum</sup>. M<sup>r</sup>. Randolph attends, and explaines to their Lo<sup>ps</sup> the allegations contained in his paper.

There is alsoe read the Petition of several Merchants against the people of New Engl<sup>d</sup> for y<sup>e</sup> irregularity of their Trade, which had been formerly read at the Committee, on the 6<sup>th</sup> of April 1676.

As alsoe a Peti<sup>tion</sup> of Mercers and Silke-weavers, read on the 10<sup>th</sup> of April 1676, to the same effect. Together with y<sup>e</sup> Report of the Commissioners of the Customes, read on the . . . .

S<sup>t</sup>. Thomas Lynch being present acquaints their Lo<sup>ps</sup> that while hee was Governor of Jamaica, a Ship belonging to New England came into the Port, laden with Brandy, directly from France. That, vpon his refusal to permit her to Trade, shee returned to New England, of which, having notice, sometime after, hee informed Capt. Wyborne (who was then at New England with one of the King's frigats) with the fact, in order to have her seized, which hee attempted, but was hindred, by the Magistrates, soe to doe.

Another Gentleman attending assures their Lo<sup>ps</sup> that, vpon notice of the Petition presented by the Merchants, on the 6<sup>th</sup> of April 1676, there was a Ship lying at Amsterdam designed directly for New England, which was thereupon otherwise disposed of.

Vpon

Vpon the whole matter, their Lo<sup>ps</sup> agree to Report in  
Report. Council, that their Lo<sup>ps</sup> finding this Representa-  
 taçon to bee of foe great concerne to his Ma<sup>ty</sup> that before  
 any farther progreſs bee made it will bee requiſite the opin-  
 ion of the Judges, touching the matter of Law contained  
 therein bee had, And that it bee then referred to their ~  
 confideration, with the evidences M<sup>r</sup> Randolph ſhall bee able  
 to produce.

Vpon this Report, It was Ordered in Council, on the 8<sup>th</sup>  
Reference. instant, that the Lords of the Committee doe con-  
 ſider the ſaid Paper, and receive the opinion of ſuch of the  
 Judges as they ſhall think fit concerning the Heads relating  
 to matter of Law.

ORDER UPON M<sup>r</sup> RANDOLPHS REPRESENTATION TO HIS MA<sup>ty</sup>.

*State Papers, Colonial, Bundle 52 (114).*

At the Court at Whitehall.

June the Eighth 1677.

By the Kings moſt Excellent Ma<sup>ty</sup> in Councell.

Upon reading this day at the Board a Representaçon  
 from Edward Randolph Employed by his Ma<sup>ty</sup> concerning  
 ſeverall matters relating to the State of New England and  
 the Government thereof, His Ma<sup>ty</sup> was pleaſed to Order  
 in Councell That the ſaid Representaçon bee referred to  
 the Right Hon<sup>ble</sup> the Lords Co<sup>m</sup>mittees of this Board for  
 Trade and Plantaçons to conſider of the ſame, and to take  
 the Opinion of ſuch of his Ma<sup>ty</sup> Judges as they ſhall thinke  
 fit concerning ſuch Heads of the ſaid Representaçon as  
 relate to Matter of Law, And It was further Ordered,  
 that

that his Ma<sup>ty</sup> Learned Councell in the Law doe attend  
their Lordships about this Affayre.

PHI. LLOYD.

Read 12 June 1677

Ent<sup>r</sup> N : E : p. 209.

CONCERNING MISDEMEANOURS OF THE BOSTONERS, &c.

*State Papers, Colonial, Entry Book, 105, p. 60. 12 June, 1677.*

[The Council-Chamber at Whitehall]

There is read an Order in Council of y<sup>e</sup> 8<sup>th</sup> instant, referring the consideration of a paper, presented by M<sup>r</sup> Randolph, concerning the Government of New England, vnto the Lords of the Committee, who are to receive y<sup>e</sup> opinion of the Judges, and the King's Council, touching such Heads as relate to matter of Law.

Whereupon their Lo<sup>ps</sup> think fit to distinguish the matter of Law, from the matter of State, to the end that they may bee able to comply with the foregoing Orders, Viz<sup>t</sup>

First Head, That the Bostoners have noe right to Land or Government, is refer'd to the Judges, and the King's Council.

The Second Head, That they have formed themselves into a Common-wealth, is likewise to bee referred, as being a consequence of the former.

The Third Head That they have protected the King's Murderers is thought matter of State, and fit for their Lo<sup>ps</sup> inquiry.

The Fourth Head concerning Coining of Mony And  
The Fifth that they have put His Ma<sup>ty</sup> Subjects to death  
for

for Religion are to bee referred, and examination to bee made whether, by their Charter, or by the right of making Laws, they are enabled soe to doe.

The Sixth, seaventh, and Eighth, concerning His Ma<sup>ties</sup> Commissioners; The Oath of fidelity, imposed by the Government; And the viola<sup>ti</sup>on of the Acts of Trade and Navigation, are looked vpon as matters of State.

**Laws.** The Book of Laws is likewise transmitted to the Judges, who are to consider of their consistency with His Ma<sup>ties</sup> Charter.

Their Lo<sup>ps</sup> doe alsoe agree to Report vnto His Ma<sup>ty</sup> that, by reason the Judges are already employed in the examination of the Title of M<sup>r</sup> Mason and M<sup>r</sup> Gorges to several Lands in New-England, possessed by y<sup>e</sup> Govern<sup>t</sup> of Boston, the several Heads contained in M<sup>r</sup> Randolph's representation (whereupon their opinions are to bee had) should not bee transmitted vnto them, vntil they shall have discharged themselves of the first business referred vnto them.

**Report.** Their Lo<sup>ps</sup> will likewise Report, at the same time, the irregularity of Trade carried on by those in New England contrary to the several Acts of Trade and Navigation And that therefore they have notice of His Ma<sup>ties</sup> pleasure that they doe conforme themselves thereunto, for the future; And my Lord Treasurer directed to appoint such Officers of the Customs at Boston, and other parts of New-England, as the said Acts doe prescribe.

Their Lo<sup>ps</sup> doe farther Order notice to bee given to the Agents of New England that (besides the Complaint of M<sup>r</sup> Mason) there are matters depending which will require their longer stay.

**REPORT**

REPORT OF Y<sup>r</sup> COM<sup>tes</sup> CONCERNING M<sup>r</sup> RANDOLPHS REPRESENTATION OF Y<sup>r</sup> GOVERN<sup>t</sup> OF Y<sup>r</sup> MASSACHUSETTS.

vid: pa: 113. 114.

*State Papers, Colonial, Bundle 52 (110), 12 June, 1677.*May it please Your Ma<sup>ties</sup>

Wee have, in pursuance of Your Ma<sup>ties</sup> Order in Council of the 8<sup>th</sup> instant, met to consider the Representation of Edward Randolph concerning y<sup>e</sup> Government of the Massachusetts Bay in New England. But whereas wee find ourselves directed by your Ma<sup>ties</sup> to receive the opinion of the Lords Cheife Justices, and Your Ma<sup>ties</sup> Council learned in the Law upon such heads as wee shall propose unto them, Wee could not think it either proper or easy for us to proceed in this method until the said Judges shall have discharged themselves of the Case between the said Government of New England; M<sup>r</sup> Mason and M<sup>r</sup> Gorges, which wee lately have recommended unto them, since not only their Lord<sup>ships</sup> leisure will then render them fit to enter upon the present matter, but wee shall likewise bee more able to judge how farr wee shall need their assistance.

In the mean while wee could not forbear to lay before Your Ma<sup>ty</sup> that part of the said representation which concerns the Acts of Trade and Navigation, the breach whereof by the said Government has been soe clearly made out unto us, as well by the Petitions and complaints of very great numbers of Your Ma<sup>ties</sup> subjects trading to all parts of the world, as by other evidences which have come before us, that for the future prevention of this mischief, and in consideration of Your Ma<sup>ties</sup> Customes, which are much impaired

by the irregular course of Trade practiced by the Bostoners, Wee cannot but propose unto Your Ma<sup>y</sup>, according to our former advices, that the said Government doe not only receive notice of Your Ma<sup>ties</sup> pleasure that the said Acts bee duely executed, but that the Right Hon<sup>ble</sup> the Lord Treasurer doe appoint such Officers of the Customs at Boston and other parts of New England as the said Acts doe prescribe for the better observation thereof.

Council Chamber

12 June 1677

— All w<sup>ch</sup> is most humbly submitted

ANGLESEY

[CRAVEN]

J BRIDGEWATER

J WILLIAMSON

J ERNLE

PHI. LLOYD.

Read in Councill 15 June 1667.

to be kept till the Judges report com in :

ordered to be read ag<sup>n</sup> when the Judges give

in their report concerning m<sup>r</sup> Mason & Boston<sup>n</sup>.

RANDOLPH STATES THAT THE GOVERNMENT OF N. ENG<sup>d</sup> HAS  
SETTLED CUSTOM HOUSES WITHOUT AUTHORITY, &c.

*State Papers, Colonial, Entry Book, 105, p. 89, 19 July, 1677.*

[The Council Chamber at Whitehall.]

M<sup>r</sup> Randolph.

M<sup>r</sup> Randolph is now called in, and, after His Ma<sup>ties</sup> Letter to the Bostoners in 1666 had been read, and their Lo<sup>ps</sup> being informed that the Government of New England

land had fetled feveral Cufdom houfes without any authority from his Ma<sup>ty</sup>. M<sup>r</sup>. Randolph withdraws.

*New England.* Whereupon their Lo<sup>ps</sup> agree to call in the Agents of New England, and to examine them upon the Articles of the Representation offered by M<sup>r</sup>. Randolph, paffing over the firft Article, concerning their Charter, and fome other points, which feeme lefs fit for y<sup>e</sup> prefent occafion.

And their Lo<sup>ps</sup> having accordingly heard the Agents think fit to report the whole matter contained in the Minutes as followeth

That, vpon examination of the perfons imployed by the *Report.* Government of the Maffachufets Bay in New England to feveral Articles charged againft the faid Government The faid Agents did declare, that as they had noe other Inftuctions than to anfwer the particular claimes of M<sup>r</sup>. Maſon, and M<sup>r</sup>. Gorges; ſoe were they not capacitated to ſatisfy the Lords of the Committee vpon any other queſtion, otherwiſe than as private men, and His Ma<sup>ties</sup> ſubjects, as far as they were acquainted with the occurrences and tranſactions of y<sup>e</sup> Government vnder which they had lived.

That being demanded by their Lo<sup>ps</sup> whether His Ma<sup>ties</sup> *Comiſſioners.* Comiſſioners were in 1665 abuſed and violently oppoſed, and the Juſtices of y<sup>e</sup> Peace ſetled by His Ma<sup>ties</sup> Authority, turned out, by armed forces: They make anſwer that they know nothing of any act of Violence, and can only remember that ſome alteration did, at that time, happen in the Province of Mayne, without any Violence or hoſtility.

That



That being demanded whether His late Ma<sup>ties</sup> *Judges*  
*Judges.* [*Murderers?*] were protected in New England?  
 They answer, that they had seen Goffe and Whaley in those  
 parts; but that, vpon His Ma<sup>ties</sup> Proclamation, Warrants  
 were immediatly issued out against them, and persons com-  
 missioned to pursue them, notwithstanding which they made  
 their escape into the Neighboring Colonies.

That being asked whether the People endeavored to forme  
*Common-wealth.* themselves into a Common-wealth, or refused to  
 take the Oath of Allegiance? They Answer, they acknowl-  
 edge His Ma<sup>ty</sup> to bee their Soverreigne, and submit to His  
 Authority.

That they never proclaimed or acknowledged the late  
 Vsfurping Powers, but always conformed themselves to the  
 Rules of His Ma<sup>ties</sup> Charter.

*Oath of Allegiance.* That they are willing to take the Oath of Alle-  
 giance and Supremacy, in terminis, as is pre-  
 scribed by their Charter.

That Vpon the Article where they are charged to have  
*Coyning.* coyned money, they confesse it, and say they were  
 necessitated to it, about the yeare 1652, for the support of  
 their Trade, and have not, hitherto, discontinued it, as being  
 never excepted against, or disallowed by His Ma<sup>ty</sup>. And doe  
 therefore submit this matter to His Ma<sup>ties</sup> and beg pardon if  
 they have offended.

That as to putting any persons to Death for matters of  
*Quakers.* Religion only, they deny it, and say indeed, That  
 there being a Law that noe Quakers, being strangers, should  
 come into their Government, some did transgreffe it (notwith-  
 standing

standing banishment) and were therefore executed. And there are many Quakers now living amongst them.

Act of Navigation. That as to the Violation of the Acts of Trade and Navigation, they say, there are perhaps some private persons who trade indirectly, by reason they have not understood those Acts, and that the Governor is obliged to take bonds to hinder, and will submit to His Ma<sup>ties</sup> Orders herein.

Christmas. That they declare the Law against keeping of Christmas, to have been made in the late troubles, but that, to their knowledge, it is not put in execution.

Customs That they confess they collect some small Customs upon goods imported, to a Very inconsiderable Value, for the maintenance of their Government

#### BUSINESS OF N. ENGLAND DEBATED.

*State Papers, Colonial, Entry Book, 105, p. 95.*

At the Committee of Trade and Plantations In the Council Chamber at Whitehall Friday the 27<sup>th</sup> of July 1677.

Present: Lord Chancellor, Lord Treasurer, Duke of Ormond, Earle of Northton, Earle of Bathe, Earle of Craven, M<sup>r</sup> Vice Chamberlane, M<sup>r</sup> Sec<sup>y</sup> Williamſon, M<sup>r</sup> Chanc<sup>r</sup> of y<sup>e</sup> Excheq<sup>r</sup>

New England. Their Lordships debate the busines of New England, and the necessity of bringing those People vnder a more palpable declaration of their obedience to His Ma<sup>ty</sup> and dependence on His Crowne; and that they may bee of vse vnto him in any times of necessity, which hath hitherto remained too long vndecided, Therefore having agreed vpon  
several

several Heads, the Agents are called in, and told to the effect following.

1. That as to their Mathematical Line, whereby they did pretend to extend the limits of their Patent, That it was an imaginary thing, and noe longer to bee thought vpon by them; but to confine themselves to such bounds and limits as had been lately reported by the Judges.

2. That, as to the Propriety of the Soyle, in the Province of Mayne, if they will not agree to the pretension of the Claymers, it shall not bee left to their Will. But that His Ma<sup>tie</sup> will constitute some third authority to enquire by Commission, into the matter of Right, and to determine therein according to Justice. That they had, by their Council (when they last appeared) very rashly and vnadvisedly declared their abandoning the defence of that Province, in case their authority to governe were set by, and therefore they were advised to retract the same, forasmuch as it was a part of His Ma<sup>ties</sup> Dominions, and ought not, by any of His subjects, to bee abandoned to His Enemies.

3. That Whereas they had transgress'd, in presuming to Coyne Money, which is an Act of Sovereignty, and to which they were by noe Grant sufficiently authorized, That tho' His Ma<sup>ty</sup> may, vpon due application, grant them a Charter containing such a Power; yet they must sollicit His Ma<sup>ties</sup> Pardon for the offence that is past.

4. That the Act of Navigation, which, by all manner of Complaints and Confessions, hath been hitherto violated, must, for the future, bee look'd after, and religiously observed.

5. That as to their Laws which should all of them bee sutable to the Laws of England, but none of them repugnant

nant thereunto, there were great faults observed in some of them, wherein they must expect change and reformation: And to this effect it was recommended to His Ma<sup>ties</sup> Council learned to survey the Laws, and to point out such of them as should need this amendment.

6. That altho' they might think their attendance here to bee long, yet it was necessary and perhaps vsfull to themselves; and that they should bee carefull to make signification of these and such like Points, as the scope of His Ma<sup>ties</sup> mind and pleasure in relation to his Colony of New-England, that soe they might dispose themselves to what his Ma<sup>ty</sup> expects therein: For altho' they might not bee qualified with power sufficient to authorize them, in all these matters, as they had formerly alledged, they were now to know, That His Ma<sup>ty</sup> did not think of treating with His own Subjects, as with Forreigners, and to expect y<sup>e</sup> formality of Powers; but having resolved to doe all things that were fit for them, and consistent with his own service, they might, from time to time, intimate the same to their Principals, and give their attendance on Thursday next, when these matters should be farther considered.

The Agents excuse the mistake of that rash expression about abandoning the defence of y<sup>e</sup> Province of Maine. That their Principals had done otherwise already, and should still think themselves obliged to continue in case of danger. They excuse their want of sufficient powers to conclude any thing in points before mentioned; but are ready to obey in all things that in them lyes.

Their Lo<sup>ps</sup> tell them that His Ma<sup>ties</sup> will not destroy their Charter, but rather by a Supplemental one to bee given them,

them, set all things right that are now amiss. And that their Charter of the 4<sup>th</sup> of the late King should be inspected, and according as they had administred the Power therein given, soe should they bee measured and considered.

Their Lo<sup>ps</sup> order that the said Charter, or Extracts thereof, should bee sent to M<sup>r</sup> Attorney and M<sup>r</sup> Sollicitor to examin whether the authority of the Crown bee sufficiently preserved, and their dependence on His Ma<sup>ty</sup> made soe necessary as is fit; because in this case it may bee more advisable to measure their behavior, and to try them according to the rule of this Charter, for what they have done amiss, than wholly to overthrow it by what M<sup>r</sup> Mason alleges sufficient to that effect.

That it bee observed how farr their power extends of making Laws, and levying Taxes, especially on Trade in Imports and Exports, which, if abused, might much affect the course of Trade in other parts of His Ma<sup>ties</sup> Dominions. And therefore their Lo<sup>ps</sup> thought that noe Laws, of this kind, ought to pass without first receiving His Ma<sup>ties</sup> approbation; and that noe Taxes bee raised but in His Ma<sup>ties</sup> name and by His Ma<sup>ties</sup> appointment, to the uses of the Government. And that their method, of Swearing all to bee true to that Government, bee abolished.

LAWS OF NEW ENGLAND, &c.

*State Papers, Colonial, Entry Book, 105, p. 99.*

At the Committee for Trade and Plantacons  
in the Council Chamber at Whitehall  
Thursday the 2<sup>nd</sup> of August 1677.

Present: Lord Chancellor, Lord Treasurer, Duke of Ormond, Lord Chamberlane, Earle of Northampton, Earl of Craven, M<sup>r</sup> Vice Chamberlane, M<sup>r</sup> Sec<sup>y</sup> Williamson, M<sup>r</sup> Chanc<sup>r</sup> of y<sup>e</sup> Excheq<sup>r</sup>, Ma<sup>r</sup> of the Ordinance.

. . . Their Lo<sup>ps</sup> proceed vnto the busines of New-Eng-  
*New England.* land, vpon which M<sup>r</sup> Attorney doth according to order, read a Catalogue of those Laws past by the Government of New-England which are repugnant to the Laws of this Kingdome. The like List is sent in, by M<sup>r</sup> Sollicitor, with Very little alteration, and their Lo<sup>ps</sup> find very much reason to advise His Ma<sup>ty</sup> to write into New England for the abolishing of all these Laws. And M<sup>r</sup> Attorney did acquaint their Lo<sup>ps</sup> that the Agents of New England, with whom hee had spoken, were, in a manner, ashamed of them, only, as to that concerning y<sup>e</sup> observation of the Lord's day, they seemed somewhat tenacious.

Their Lo<sup>ps</sup> take notice, from y<sup>e</sup> complaint of M<sup>r</sup> Randolph, (in addition to the exceptions aforesaid) that they had a Law in New England, forbidding any one to share in the Government who was not a Church-member. And that, vpon His Ma<sup>ties</sup> Letter in 1662, requiring that any who would exercise their Religion, according to the Church of England, might bee free therein, and equally qualified with others for any Office.

That altho' the Assembly did therevpon abolish the said Law, yet that the practice had, all along, been quite otherwise, and as before.

Alsoe complaint being vrged touching the principles and discouries of the present Governor M<sup>r</sup> Leveret, (with M<sup>r</sup> Randolph when there) favouring of very little obedience to His Ma<sup>ty</sup>; Their Lo<sup>ps</sup> did deliberate vpon it as a point importing much His Ma<sup>ties</sup> Service, That noe Governor, there to bee chosen, should be establish't and confirmed without His Ma<sup>ties</sup> approbation. Some of their Lo<sup>ps</sup> added that not only His Ma<sup>ties</sup> approbation, but Commission, was requisite, but this was thought at present vnseasonable.

The Minutes of the last day were read over to their Lo<sup>ps</sup>, and therevpon the Agents were called in, and several of those points repeated again to them; but more particularly the many repugnancies found by M<sup>r</sup> Attorney in their Laws, against those of England, which therefore his Ma<sup>ty</sup> would expect vpon His intimation, to have all repeal'd.

They are told how the practice touching preferment to Church-members, run contrary to the Law they had made; and soe they had a Law taking notice of the Act of Navigation, and requiring conformity thereunto, tho' the practice had run hitherto quite in y<sup>e</sup> contrary That His Ma<sup>ty</sup> would not suffer such abuse by any means, to continue, but that they should receive an Officer of the Customs, to see that Act, in His Ma<sup>ties</sup> behalfe, fully conformed vnto, and such Officer should bee perfectly instructed, by the Commissioners of y<sup>e</sup> Customs here, to doe nothing but according to Law.

The Agents reply that, as to y<sup>e</sup> preferring of Church-Members only, they know noe such practice, but, on the  
contrary,

contrary, that any kind of Freeman is capable of being Governor. That several are freemen who are not Church-members, and that 'tis not the point of opinion in Religion, but the number or defect of Votes, that prefers one and lays by others, according to their constitution. And their Lo<sup>ps</sup> seemed to acquiesce in this answer.

The Agents were farther told that their Principals were observed to be faulty in the raising of Taxes and levying of money on the Kings subjects who traded with them, over whom they had not the same power, as over the Members of their own Corporation. Soe they must expect to vndergoe the amendment of these and several other abuses, and are therefore directed to attend M<sup>r</sup> Attorney General.

First to observe the objections hee has made against several of their Laws, to see whether they can allege any thing why such Laws could not bee abolished.

Secondly touching the model of such a pardon as they stand in need of from His Ma<sup>ty</sup> for their Coyning of Money without authority.

Thirdly, That an Addi<sup>ti</sup>onal Charter bee prepared containing a Power from His Ma<sup>ty</sup> to Coyne Money, and to make all forreigne coins current in that Country.

And M<sup>r</sup> Attorney is alsoe to report to their Lo<sup>ps</sup> (according to the Minutes of the last day) how hee finds His Ma<sup>ties</sup> Authority preserved in the present Charter of that Colony.

The Agents were orderd to give in vnder their hands an account of those Planta<sup>ti</sup>ons and Provinces which by the Judges late Report, were without the limits of their Government, And where the Government thereof was reserv'd still to His Ma<sup>ty</sup> that soe they might be the better able to advise

His



His Ma<sup>tie</sup> how y<sup>e</sup> same might bee govern'd; Whether by an Officer from himfelfe, or to bee left vnto the Bostoners. And hereof the Agents promised to give a speedy account.

M<sup>r</sup> Mafon, at his desire, is called in, who prays that the Agents might, before their Lo<sup>ps</sup>, disclaim any title to the foile of his province, because they had been heard to say that tho' their Council learned had said soe before y<sup>e</sup> Judges, yet they were not concluded thereby. The Lords acquaint M<sup>r</sup> Mafon that if they doe not agree to give him his own, there is a third power to bee erected for the decision of what hee and M<sup>r</sup> Gorges doe claime. And, after the Agents had spoken, hee is farther told that they doe disclaim title to any thing M<sup>r</sup> Mafon has title vnto.

**AGENTS DECLARE RANDOLPH'S STATEMENTS TO BE FALSE, &c.**

*State Papers, Colonial, Entry Book, 105, p. 225.*

At the Cōmittee of Trade and Plantations  
In the Council Chamber at Whitehall  
Munday the 25<sup>th</sup> of March 1678.

Present: Lord Privy Seale, Earle of Bridgewater, Earl of Northampton, Earl of Craven.

*New England.* Vpon reading the Petition of William Stoughton and Peter Bulkeley Esquire, Agents for the Governor and Company of the Massachusets Bay in New-England, together with y<sup>e</sup> petiçon of Edward Randolph; and vpon hearing several Allegations on both sides, in reference to the said Government of the Massachusets Bay; the Lords of the Committee have thought fit to Order a Copie of several  
**Heads**

Heads of Inquiry concerning His Ma<sup>ty</sup> Plantations, bee adopted to y<sup>e</sup> Colony of the Massachusets Bay, and delivered vnto the said Agents, that they may returne in writing a particular Answer thereunto with all convenient speed. And Whereas the said Agents declare that they are possessed of a copie of the Narrative of the State of New-England, presented by M<sup>r</sup> Randolph to the said Committee in pursuance of his Instructions of the 20<sup>th</sup> of March 1675[6] And that they are ready to discover several falshoods therein alleged by the said Edward Randolph, to the prejudice of the Government of the Massachusets. Their Lo<sup>ps</sup> being willing to give noe farther credit to the said Narrative than it shall appear to deserve, have directed the said Agents to prepare in Writing such an answer as they are enabled to make to the severall assertions and suppositions contained therein.

And the said Agents are farther directed to attend the said Committee, on Thursday the 28<sup>th</sup> instant, at four in the afternoon; at which time their Lo<sup>ps</sup> will take into their farther consideration such matters as lye before them in relation to New-England.

And whereas M<sup>r</sup> Randolph, by his petition, does pray  
Petition of M<sup>r</sup> Randolph. their Lo<sup>ps</sup> either to signify whether his attendance bee farther necessary, or to Report his faithfull service and attendance in behalfe of His Ma<sup>ty</sup> for His Royal consideration, Their Lo<sup>ps</sup> seeming well satisfied with His past Service, and taking notice that hee has many material things yet to offer, direct that hee take a View as well of y<sup>e</sup> Papers formerly given in by him, as of those delivered by the Agents of Boston; and thereupon draw up a paper containing

taining all such new Matter as hee shall think fit to present concerning New England.

Mem<sup>dum</sup> This Order, and Inquirys, were accordingly deliverd to M<sup>r</sup> Bulkley.

REPORT IN FAVOUR OF RANDOLPH AS COLL<sup>r</sup> &c.

*State Papers, Colonial, Entry Book, 105, p. 231.*

At the Committee of Trade and Plantations  
In the Council-Chamber at Whitehall  
Thurfday the 28<sup>th</sup> of March 1678.

Present: Earle of Craven, Viscount Fauconberg, M<sup>r</sup> Sec<sup>ry</sup>  
Coventry, M<sup>r</sup> Chanc<sup>r</sup> of y<sup>e</sup> Excheq<sup>r</sup>

*New England.* The Lords causing the Minutes of the last meeting, viz. the 25<sup>th</sup> instant, to bee read over, and finding therein that the Agents from Boston had then declar'd (as formerly they had done) that they were possesst of the Narrative of the State of New England, presented by M<sup>r</sup> Randolph to the said Committee, in pursuance of his Instru<sup>ctions</sup> of the 20<sup>th</sup> of March 1675[6]; their Lo<sup>ds</sup> did enquire whether any copie of that Narrative had by order been given to those Agents; which the Clerks disowning, the Agents were called in, and being prest to know the hand, did declare they had received it about six months since from M<sup>r</sup> Mason. Their Lo<sup>ds</sup> asked M<sup>r</sup> Mason, then present, by what authority hee had given a copie of that Narrative, and how hee himselfe came by it. Hee told their Lordships that hee thought himselfe a party concern'd in that matter, and had assisted M<sup>r</sup> Randolph in the drawing it vp; and did confesse  
that

that hee gave a copie thereof to the Agents, but his reason was because hee had been told, by one M<sup>r</sup> Wade, a servant to the Lord Privy Seale, that one other of the servants had made a copie of it before for the New England Agents, and therefore hee was willing to give it them, without any fault or mistake. But the Agents both affirmed they had not had it before, and had it only from M<sup>r</sup> Mason, but did acknowledge that they had sent a copie of it into New-England.

Vpon all which their Lo<sup>ps</sup> think fitt to Report the state of this matter to know His Ma<sup>ties</sup> pleasure, whether hee please to appoint that an attested Copie of the said Narrative bee given to the said Agents: and that they give an Answer to the particulars thereof as hath been directed.

Commission & Instructions of the Earl of Carlisle.

The Agents of New England being interrogated if they had not desired M<sup>r</sup> Blathwait to give a copie of the Lord Carlisle's Commission and Instructions; M<sup>r</sup> Stoughton said hee had not desired to see a copie of Instructions of my Lord Carlisle, but only to see the forme of a Commission out of curiosity.

Report touching M<sup>r</sup> Randolph.

Vpon reading againe the Petition of M<sup>r</sup> Randolph, read at their last meeting, their Lo<sup>ps</sup> agree to report their opinions to His Ma<sup>ty</sup> in favour of M<sup>r</sup> Randolph as a fitt person to bee Collector of the Customes in New England, or deserving some other reward for his Services.

THE ATTORNEY & SOLICIT<sup>r</sup> GEN<sup>ll</sup> TO INSPECT Y<sup>r</sup>  
CHARTER OF Y<sup>r</sup> MASSACHUSETTS.

*State Papers, Colonial, Bundle 52 (139).*

Council Chamber  
28<sup>th</sup> March 1678.

Gentlemen

The Lords of the Comm<sup>tees</sup> of Trade and Plantations having mett this day about the busines of New England, have commanded mee to transcribe what they decreed on the 27<sup>th</sup> of July last in the words following.

At the Comm<sup>tees</sup> of Trade and Plantations, Fryday y<sup>r</sup> 27<sup>th</sup> of July 1677

Their Lord<sup>sh</sup> Order that the Charter of the Massachusetts Bay in New England should be sent to M<sup>r</sup> Attorney and M<sup>r</sup> Solicitor Gen<sup>ll</sup> to examine whether the Authority of the Crown bee sufficiently preserved and their dependance on His Ma<sup>tie</sup> made so necessary as is fitt, because in this case it may be more advisable to measure their behaviour and to try them according to the Rule of this Charter for what they have done amiss, than wholly to overthrow it by what M<sup>r</sup> Mason alleadges sufficient to that effect.

Mr Attorney  
Geffall & Mr  
Solicitor Geffall.

Return'd by Mr.  
Attorney witht.  
Answer.

That it be observed how farr their power extends of making laws and levying Taxes especially on Trade in Imports and Exports, which if abused might much affect the course of Trade in other parts of His Ma<sup>ties</sup> Dominions.

I do herewith also send you a Copy of the Charter of the Corpora<sup>cion</sup> of the Massachusetts Bay desiring that when you return their Lo<sup>sh</sup> your opinion in this matter (which they desire

desire with all convenient speed) that you would also please to returne the same.

I am with all respect S<sup>r</sup> Your most humble Servant

ROBERT SOUTHWELL.

To M<sup>r</sup> Attorney Gen<sup>l</sup>. and to M<sup>r</sup> Sollicitor Gen<sup>l</sup>.

THE BUSINESS OF NEW ENGLAND.

*State Papers, Colonial, Entry Book, 105, p. 233.*

At the Committee for Trade and Plantations.

In the Council-Chamber at Whitehall

Munday the 8<sup>th</sup> of April 1678

Present: Lord Privy Seale, Earle of Bridgewater, Earle of Craven, Earle of Carlisle, M<sup>r</sup> Sec<sup>ry</sup> Coventry, M<sup>r</sup> Sec<sup>ry</sup> Williamfon, M<sup>r</sup> Chanc<sup>er</sup> of the Excheq<sup>r</sup>

*New England.* Their Lo<sup>ps</sup> taking notice of the severall parts of the busines of New-England, which hath long depended before them, M<sup>r</sup> Sec<sup>ry</sup> Williamfon acquaints the Committee that his Royal Highness, intending suddenly to dispatch S<sup>r</sup> Edm: Andros. S<sup>r</sup> Edmund Andros to his Government of New Yorke, had before his departure commanded him to attend their Lo<sup>ps</sup> and to give them the best informations hee could of the state of New Yorke, and the severall Colonies of New-England. And their Lordships vnderstanding that S<sup>r</sup> Edmund Andros was now without to receive their pleasure, hee is called in, and gives an account of the Government of *New-Yorke.* New Yorke, of the Boundaries granted to His Royal Highness in his Patent, and how they were disputed, and a great part of the Country possessed by Conecticut Colony whereby great animosities had been occasioned between  
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them,

them, which are likely to increafe to the great prejudice of His Ma<sup>ty</sup>'s affaires in thofe parts, if not timely remedied by an impartial decifion . . . . .

Indian Warr. . . . .

. . . . Whereupon their Lo<sup>ps</sup> defiring to have a particular account, and that in writing, of what relates as well vnto his Goverment, as the neighbouring Colonies of New England, doe propofe that his Royal Highnefs bee moved, that S<sup>r</sup> Edmund Andros may give in fome information touching New Yorke vpon the General Heads of Inquiry, which are vfuall<sup>y</sup> fent to the Plantaçons.

And as to New England it is Ordered, that fome particular Queres. Queres bee prepared, which may lead him to thofe Informations touching that Colony, which may give light into their behavior foe as to guide their Lo<sup>ps</sup> in advifing His Ma<sup>ty</sup> to fuch method for the fettlement and regulation thereof, as may beft conduce to His Royal Service.

After which their Lo<sup>ps</sup> having read the Heads of Bufinefs now depending, they propofe to goe on with the firft; Which feems to bee in obedience to the Order of Council in July laft, to give their opinions vpon M<sup>r</sup> Randolph's Objections and the Agents Anfwer thereto. And, vpon reading the First Head, their Lo<sup>ps</sup> were positive, That the Oath of Allegiance. Oath of Allegiance ought to bee given in New-England, in the fame forme as it here ftands in the Law, and without any mixture or relation of Fidelity to that Gouverment.

And it feems their own Original Charter tyes them not only to the Oath of Allegiance, but to that of Supremacy alfoe.

But their Lo<sup>ps</sup> vnderftanding that M<sup>r</sup> Randolph had additional

tional Objections to give in, It was thought best to have the whole matter together before their Lo<sup>ps</sup>. But M<sup>r</sup>. Randolph being call'd in, hee begins with another matter, relating to the Minutes of the last day, and how one M<sup>r</sup>. May could witness that the Agents had discoursed the matter of his Narrative long before the time they pretended to have had it from M<sup>r</sup>. Mason. And M<sup>r</sup>. May, being call'd in and sworn, says that the said Agents arriving in December 1676, hee heard them, within two months after, give a very good acco<sup>unt</sup>

Narrative of  
M<sup>r</sup>. Randolph. of the matters contained in M<sup>r</sup>. Randolph's Narrative, owning that they had sent it over to New England, and expected an answer.

And when the Agents deny'd positively that they had ever seen any copie till that which they had from M<sup>r</sup>. Mason, which was about the end of the last Summer; M<sup>r</sup>. May reply'd that, at the time of their discourse, one of them had a paper in his hand which (said the Agent) could give an account of that business; but hee could not say whether that were the very Narrative.

M<sup>r</sup>. Mason. M<sup>r</sup>. Mason, being call'd in and sworne, said that M<sup>r</sup>. Wade, a servant of my Lord Privy Seal's, commended to him exceedingly M<sup>r</sup>. Randolph's Narrative, which hee had seen, And that M<sup>r</sup>. Anslow, one of my Lord's servants, had copied it out. And that the Agents did some times come to his Lo<sup>ps</sup> house; from whence hee concluded they had seen y<sup>e</sup> Narrative, because they could soe well discourse the matter of it. And therefore it was that hee lent them a copie, which they had, for some days, in their hands. But M<sup>r</sup>. Wade, being call'd in and sworne, denys that hee said any such thing.

The



The Agents alleged that they might discourse of several things, because M<sup>r</sup> Mason had often spoke freely to them; and they had often attended this Committee, and heard several objections.

**M<sup>r</sup> Randolph.** Whereupon M<sup>r</sup> Randolph does, out of a paper, enumerate severall of their discourses, referring to particular expressions in his Narrative, to convince them that they had an earlier knowledge of his Narrative than in July, or August last, when they own to have had it only from M<sup>r</sup> Mason. M<sup>r</sup> Randolph assures their Lo<sup>ps</sup> of great detriment likely to follow, in New-England, vpon several loyal persons, by reason of the Character hee had given of them in his Narrative, and the privat discourses hee had with them; and therefore prays that His Ma<sup>ty</sup> might be mov'd to send His Royal Letters to forbid any detriment to those persons.

**The Agents.** Hereupon the Agents prefs to have a former Petition of theirs read, the same having been referr'd to the consideration of the Committee, by an Order in Council of the 23<sup>th</sup> of January last; wherein they signify the humble thanks of their Principals the Magistrats of Boston for the promise His Ma<sup>ty</sup> has been pleased to make them of His Gracious Pardon of all their past offences and misdemeanors; and praying His Ma<sup>ty</sup> to grant them y<sup>e</sup> Government of that Tract of land in New England; which, by the late Report of the Judges, appears to belong vnto M<sup>r</sup> Mason; which accordingly was read.

**M<sup>r</sup> Randolph.** Hereupon M<sup>r</sup> Randolph opens vnto their Lo<sup>ps</sup>, pursuant to an Order of the 25<sup>th</sup> of March last, the new charge which hee has to offer against the Magistracy of the Massachusetts Colony, setting forth in his discourse That  
they

they had not only been injurious to M<sup>r</sup> Gorges and M<sup>r</sup> Maſon by driving them out of their Inheritance; but had extended their bounds vpon pretence of their Imaginary Line, even vpon the bordering Colonys of Conecticut and New Plimouth. And whereas they mention, with great reverence, a letter ſent them by His Ma<sup>y</sup> in the Letter from His Ma<sup>y</sup> in 1662. yeare 1662, which they call His Ma<sup>y</sup>'s Gracious Declaration, becauſe in truth they are treated therein w<sup>th</sup> ſome favorable expreſſions, but enjoyned alſoe vnto ſeuerall points of Duty and obedience towards him, they have never, in the leaſt, given any obſervation to thoſe particulars, for that Very many of their Laws were repugnant to the Fundamental Laws of England; alſoe contrary to their Charter; and even fitted on purpoſe to diſcourage and ſuppreſs the exerciſe of the Religion profeſſed by the Church of England. That although, by His Ma<sup>ty</sup>'s order, all perſons of good and honeſt lives ſhould be admitted to y<sup>e</sup> Sacrament of the Lord's Supper, and their Children to Baptiſme; yet great number of perſons remained vnbaptized, and deprived of the Communion, by means of a Law which regulates the choice of Miniſters. That noe perſons but ſuch as are of their opinions can bee admitted to bee Freemen, and conſequently to have a ſhare in the Goverment, by a Law that provides that noe man ſhall bee admitted to bee a Freemen. Freeman vnleſs hee bee in full Communion in ſome Church among them; and by another Law (which by their Lo<sup>d</sup>'s Order is read) enacting that all perſons, who reſuſe to attend the Public Worſhip of God there eſtabliſhed, ſhall be made vncapable of Voting in all Public Aſſemblies.

That

That they give a preference to their owne Laws before  
Laws. those of England, not permitting them to bee  
 pleaded in their Courts, till confirm'd by their Assembly.

M<sup>r</sup> Randolph, by many other instances, endeavors to shew  
 the irregularities of this Government, and the necessity of a  
 Reformation, by a Superior hand, which is become more  
 necessary, by their apparrent obstinacy and refusal to come  
 to any sort of amendment: Since that although His Narra-  
 tive and Articles were, about the middle of the last yeare,  
 communicated vnto their Agents and made known to their  
 General Court sitting at Boston on the 10<sup>th</sup> of October last,

Acts of  
Parliam<sup>t</sup> they had only Ordered the execution of the Acts  
 of Parliament, restraining the liberty of their  
 Trade, and perswaded themselves of the necessity of craving  
 His Ma<sup>ties</sup> Pardon for their past crimes; with resolution  
 however not to alter any essential or circumstantial part of  
 their Government, how disagreeable soever it might appeare  
 to His Ma<sup>y</sup>. And to secure themselves herein against any  
 outward constraint, they have lately, at a General Court  
 held in Boston, made a Law (which, by their Lo<sup>d</sup>s Order, is  
 read) enacting, that all persons, as well Inhabitants as  
Oath of Fidelity  
to y<sup>e</sup> Country. Strangers, shall take the Oath of Fidelity to the  
 Country: and that all Refusers to take the said  
 Oath, shall not have the benefit of the Laws or Protection  
 of the Government.

M<sup>r</sup> Randolph further observes that they have endeavored  
Trade. to excuse their vnlimited course of Trade, by pre-  
 tending ignorance of the Acts of Parliament; and taxing  
Acts of Parliam<sup>t</sup> His Ma<sup>y</sup> and His Ministers for not acquainting  
 them therewith, altho' it appear, by an Act of their owne  
 made

made in 1663, that they had received His Ma<sup>ties</sup> Order to that effect, as is more particularly set forth in the preamble of their own Law. Concluding that y<sup>e</sup> same General Court had made noe Order for giving the Oath of Allegiance, soe much pressed vpon them, in the literal Form prescribed by the Laws of England. Nor had they even suspended their Coining of money (which they confesse to bee a Crime) vntil His Ma<sup>ties</sup> Pleasure might bee knowne.

Oath of Allegiance. The Agents, being present, endeavored to excuse what is alleged against their Masters, and particularly assure their Lo<sup>ps</sup> that the Allegation in the preamble of the New Law concerning Trade was an Act of precipitation made just as the General Court was rising, and a few hours after the receipt of their Letters. Coining. And as to the Errors of their Government, altho' they had received some intimation of them from the Committee, yet they had not received His Ma<sup>ties</sup> formal Commands therein.

After which, all Parties being withdrawn, their Lo<sup>ps</sup> entered into debate of the matter before them and Ordered the Minutes taken on the 27<sup>th</sup> of July, and 2<sup>d</sup> of August last to bee read, where it appears that, at a full Committee, their Lo<sup>ps</sup> seeing the necessity of bringing New England vnder a more palpable Declaration of their obedience and dependence on the Crowne, had signified to the Agents as followeth. . . .

Result of y<sup>e</sup> Committee. [Here follow Minutes of proceedings given in State Papers, Colonial, Entry Book, 105, p. 95, and State Papers, Colonial, Entry Book, 105, p. 99.] These Minutes having been read, their Lo<sup>ps</sup> consider how far the Government of

Boston

Boston has shewed a Compliance to any part of His Ma<sup>ties</sup> pleasure signified vnto them by the Cōmittee. And it being observed that, although they had receiv'd those Orders above eight months agoe, and taken vpon them to impart the same vnto their Principals, yet noe amendment

*Acts of Trade  
and Navigation.*

hath followed in any point, except what relates to the Acts of Trade and Navigation, which the General Court at Boston had enacted indeed by a Law which is now read, with a preamble flatly declaring that they never were before advertised of His Ma<sup>ties</sup> pleasure therein: Whereas it doth not only appeare in the Council-Books in 1662, that a Circular Letter was sent to New-England inforcing the same; but it is manifest that, even in a Book of their own Laws now in force, printed in 1672, there is an Act of theirs made in 1663, that does acknowledge the receiving of Orders, from the Council-Board, for putting in execution the Act of Navigation. And that in-

*Oath of  
Allegiance.*

stead of enjoyning the legal Oath of Allegiance to the King, as had been signified to their Agents, the General Court at Boston, in October last, by a Law which is now read, had inforced the same Oath of Fidelity to the Country with most severe penalties.

*Minutes of Mr  
Secy Williamson.  
[confirming those  
given above].*

Vpon the whole matter their Lo<sup>ps</sup> seem very much to resent that noe more notice is taken in New England of those Points which were soe fairly, and with soe much softness, intimated here to the Agents; from whose modest deportment, in the general, it was hop'd there was a much more inclinable temper towards obedience in New England than what now appeares. And  
are

are soe farr from advising His Ma<sup>y</sup> immediatly to grant them a pardon, much less the accession of Government in the Country claimed by M<sup>r</sup> Mason, which they petition for, that they are of opinion the whole matter ought seriously to be considered from the Very Root. For if fair persuasions will not take place, neither will they take notice of commands that are sent, if nobody be there on the Place to give countenance to His Ma<sup>ties</sup> Orders, and truly to represent from thence, what obedience is given vnto them. Which some of the Lords inclined to think, that nothing but ye estab-  
*Governor.* lishm<sup>t</sup> of a Governor there will accomplish: Yet all agreeing, that it must be a Governor wholly to be supported and maintained by His Ma<sup>ties</sup>. And that such a Government was what even great numbers of the People there did languish after.

But forasmuch as to enable their Lo<sup>ds</sup> to advise His Ma<sup>y</sup> in this great affaire, it would first be necessary to know how farr His Ma<sup>y</sup> is at liberty to doe herein what His service may require, therefore M<sup>r</sup> Attorney and M<sup>r</sup> Solicitor General are directed to examine and report the grounds of what hath some time been objected before them, That the People of the Massachusetts Colony have not any legal  
*Charter.* Charter at all. Next that, by reason of several irregularities, there was, about the year 1635, a Quo Warranto brought for the dissolution of such Charter as they had. The prosecution whereof went far, and stopt only on account of the public troubles ensuing.

And lastly, supposing that the said Charter were originally good, their Lo<sup>ds</sup> desire to know whether the Corporation have, by mal-administration of the Powers or otherwise,

Forfeited the same, so as to bee now in His Ma<sup>ties</sup> mercy and dispoſal.

M<sup>r</sup> Randolph. And M<sup>r</sup> Randolph is appointed to attend with Information in ſeveral matters of fact relating to the aforeſaid particulars.

Mem<sup>dum</sup> On the 17<sup>th</sup> inſtant M<sup>r</sup> Sec<sup>ry</sup> Williamſon delivers vnto S<sup>r</sup> Robert Southwell in Council a peti<sup>ti</sup>on preſented by M<sup>r</sup> Randolph, vnto His Ma<sup>ties</sup>, in behalfe of His Ma<sup>ties</sup> ſubjects living vnder the Govern<sup>t</sup> of y<sup>e</sup> Boſtoners in New England, with directions that a Copie bee ſent vnto y<sup>e</sup> Agents of that Colony, and their attendance required, on y<sup>e</sup> 19<sup>th</sup>, to give anſwer thereunto at the Committee.

#### LORDS OF THE COM<sup>tees</sup> TO SIR EDM<sup>d</sup> ANDREWS.

*State Papers, Colonial, Bundle 52 (140).*

Inquiries to S<sup>r</sup> Edm<sup>d</sup> Andrewes  
concerning New England.

Councill Chamb<sup>r</sup> 8<sup>th</sup> Ap. 1678.

S.

The Right Hon<sup>ble</sup> The Lords of the Committee for Trade & Plant<sup>at</sup>ions being deſirous to receive inform<sup>at</sup>ion from you concerning the Preſent State of New England with which y<sup>e</sup> neighborhood of y<sup>e</sup> governm<sup>t</sup> of New Yorke, and frequent converſ<sup>at</sup>ion cannot but have rendred you well acquainted, Have commanded me to putt into y<sup>e</sup> hands ſeverall Heads of Inquiry whereby you may be the better guided in the repreſent<sup>at</sup>ion of things which their Lo<sup>ds</sup> expect from you

The

The Inquirys are as foll<sup>o</sup>.

1. What are the True Boundaries & Contents of Land belonging to the severall Colonies in New England.

2. What Laws & Ordināces do You observe to bee now in force there derogatory to those of England or prejudiciall to the good of His Ma<sup>y</sup>'s Subjects.

3. What number of Inhabitants, Freemen, Church-members, Magistrates, Servants & Slaves are within the severall Colonies, & how many of them are men able to bare arms.

4. What Number of Horſe & Foot, and whether they bee Trained Bands or Standing Forces, and what Old & Experienced Officers have they among them.

5. What Castles & Forts are in New England, how ſcitu-ated, fortified, & capable of reſiſting or anoying an Enemy, and what Proviſions of War are they uſually furniſhed withall.

6. What Correſpondency doe the ſeverall Colonies keep with Their Neighbours The French or Indians.

7. What was the Originall Cauſe of the late War with The Indians. What are the advantages or diſadvantages ariſing thereby as alſo what are the Conditions of the Peace & how durable the ſame is like to bee.

8. What Correſpondency doe the ſeverall Colonies keep with the Government of New Yorke; what aſſiſtances have been offer'd or given each other and what mutuall helps are to bee expected for the future, in caſes of danger. And what will be the beſt method for aſſuring the ſame.

9. What Condition or Capacity are they in to reſiſt, op-  
poſe,



pose, or offend a forreigne Enemy whether Christian or Indian.

10. What are the Commodities of the growth or manufacture of the Countrey & what are those imported from other places.

11. What Number of Ships doe trade within each Colony yearly, of what burthen & where built.

12. What notice is taken of the Acts of Trade & Navigation.

13. What are the Customes, Taxes & Fines imposed within each Colony & what Publick Revenue doth arise to the Government.

14. What Preference or Superiority doth one Colony claime or maintaine above each other, and how far is the one influenced by the other in matters of State or Religion.

15. How do the severall degrees of Magistrates & People stand affected to His Ma<sup>y</sup> & the Government of England What Persons are the most Popular & at present in the Magistracy or like to bee chosen for the future.

16. What different Sorts of Opinions in Religion are there in each Colony & what Proportion in number doe they bare to each other, What is the Religion publicly allowed & professed, What Countenance is given to the Church of England What is the present State of the Ecclesiasticall Government, How are the Universities filled & by whom governed.

17. Lastly what intercoure of Trade is there between each Colony & The Government of New Yorke, and with what commodities is the same carried on.

**These**

These are S<sup>r</sup> The particulars upon which their Lo<sup>ps</sup> desire  
y<sup>r</sup> answer as farr as your knowledge or informāon can lead  
you. I am

[*blank.*]

[*Endorfed*]

8 Aprill 1678.

Letter to S<sup>r</sup> Edm :

Andros concern<sup>d</sup> New England.

Ent : & Comp : v : p : 249

ANSWERS TO ENQUIRES OF PLANTAČONS OF NEW ENGLAND  
FFROM THE RIGHT HONÖBLE THE LORDS OF THE COMIT-  
TEE FOR TRADE & PLANTAČONS REČED IN LONDON 9<sup>TH</sup>  
APRILL 1678.

*State Papers, Colonial, Bundle 52 (149), 1678. Ap. 16.*

1. The boundaryes of Each Collony are those Expressed  
in their Severall Pattents but Some being Possessed afore, or  
incroached more Since, & all in Contest in some pticuler  
with their Neighbours none will acquesse, & each true boun-  
daryes & Contents of Land cann never be Determined &  
knowne but by the Kings Royall Authority.

2. I cann give noe other acc<sup>t</sup> of the Lawes & Ordanances  
in fforce in the Collonyes then w<sup>t</sup> is publique & printed by  
S<sup>d</sup> Collonyes :

3. I cann give noe Certaine acc<sup>t</sup> of the number of Inhabit-  
ants in the Seu'all Collonyes haueing by reason of the un-  
settled Govern<sup>t</sup> of New Yorke as rečed from the Dutch not  
had time or Oppertunity for't but by hearefay. Connecti-  
cutt in all the Country they now possesse haue about 3000  
freemen able to beare armes, Roade Island 1000 or 1200,  
Plymouth

Plymouth about a 1000 or 1500, Massathufetts 8 or 10000, most Church members, as are all in Place or Authority (Except Roade Islands Quakers but Governm' now out of their hands) not many Seru<sup>ts</sup> & but few Slaues, proportionable to freemen, the number of Magistrates is as by the Pattents & Lawes of the Severall Collonyes.

4. There are noe Standing forces & but few Militia horse, but most foot trained bands in Companyes as by the Severall Collonyes Lawes (numbers as afore) & know of noe noted Experienced Officer among them.

5. There 's in New England one Smale Castle, or fforte, vpon a little Island att the goeing into Boston, indifferently well fortified, & Capable of anoying and resisting any Ordinary Enemy, & (is sayed to be) furnished with Amuniçon of warr accordingly, & know of noe other fortificaçons in the Collonyes.

6. I doe not know that private psons haue been phibited Communicaçon nor that y<sup>e</sup> Collonyes kept any Correspondence with the french or Indians.

7. I was not made acquainted with the Originall Cause (nor by the Collony) of the Indian warr, nor cann give any good acc<sup>t</sup> thereof, but the advantages thereby are none, the Disadvantages very greate & like to be more euen in the Losse of S<sup>d</sup> Indians. Doe not know of any Condiçons or peace made by the Collonys with the Indians, only the Massathufetts, accepting y<sup>e</sup> Peace made for them by y<sup>e</sup> Dukes forces att Pemaquid w<sup>ch</sup> is like to bee Durable unlesse broken by Some accedent by y<sup>e</sup> Invetteracy of the Collonyes & Indians.

8. The Colloneys & New Yorke haue kept good neighbourly

poorly Correspondency in private or perticuler Legall & Iudiciall Matters, but Connecticutt & Massathusetts not accepted nor admitted proffered Supplys & Assistances (from New Yorke) dureing their Indian Warr, nor in their greatestt occasion Agreed themselves, Mutuall helps in Case of Danger aught to be according to y<sup>e</sup> Exigence & each Collonyes Capassity to their power as one people and Country, w<sup>ch</sup> (by reason of the Severall Distinctt independ<sup>t</sup> Collonys) cannot be but by his Ma<sup>ties</sup> assering & regulateing the Militia or force of y<sup>e</sup> Severall Collonyes, w<sup>ch</sup> regulacon & Ord<sup>n</sup> to be Indifferently obeyed by all for the future.

9. If the fforce of all the Severall Collonyes were ordered for mutuall assistance (as occasion) & be vigilant to avoyd Surprize of their principall Strengths or forts, (w<sup>ch</sup> therefore aught to be garriisoned) they may defend themselves ag<sup>t</sup> any X<sup>t</sup>ian force whose Charge & hazard for the Attempt would not be farr greater then the Country Could Compensate & need not feare but may bring any Indians to reason, and unlesse Such regulacon & Ord<sup>n</sup> for mutuall assistance evey Collony may be a prey to an Invader.

10. The Comodityes of the Country to y<sup>e</sup> westward, are wheate, & all sorts of graine, beefe, & porke, Some refuse fish, pipe staves, timber, lumber & horses, Some Smale Mafts, Eastward the Same, not Soe much provisions but good Merchantable fish, & good Mafts. Imported are all manner of European goods, of all Sorts, Cheifely wollen & other English manufactures, & linnings, Some wines, from ffyall, & Medera, & a barbadoes & west Indie trade, from whence Cheifely Rumm.

11. I cann give noe accompt of the number of Shippes trading

tradeing to y<sup>e</sup> Severall Collonyes, though but few & not Considerable to any Collony Except Massathufetts, where very many, & good Shipps of burthen Some 2 or 300 tunns most built in their owne Collony.

12. The acts of trade & Navigaçon are Sayed & is gen<sup>ally</sup> beleueed not to be obserued in the Collonyes, as they aught there being noe Custome houses but the governo<sup>r</sup> of the Massathufetts giues Cleareings Certificates & passes for euery pticuler thing from thence to New Yorke.

13. I cann giue noe other acc<sup>t</sup> of the Collonyes Customes or Dutyes on goods then as their law bookes & their rates fines & taxes are adjudged by their Courts Magistrates or Inferior officers, as occasion, & being Casuall or accidentall their revenue is accordingly uncertaine.

14. I doe not know that there is any Superioritie of one Collony ouer another, but all Independ<sup>t</sup>, though gen<sup>ally</sup> giue place to & are most Influenced by the Massathufetts both in State & religion.

15. I doe not find but the generality of the Magistrates & people are well affected to y<sup>e</sup> King & Kingdome, but most knowing noe other Governm<sup>t</sup> then their owne, think it best, and are wedded to & Oppiniatre for it; And y<sup>e</sup> Magistrates & others in place Chosen by the people think that they are Oblidged to assert & mantaine <sup>th</sup>at Governm<sup>t</sup> all they Cann, & are Church members & like soe to be Chosen & to Continue without any Considerable Alteraçon & Change there, & depend upon the people to Justifie them in their actings.

16. There are Severall Sorts of Religions in all the Collonyes, but inconsiderable to y<sup>e</sup> presbiterians, & Indipend<sup>t</sup>  
being

being only allowed (but not all Church members) Except att Roade Island where most are Quakers, but Governm<sup>t</sup> now out of their hands. I have not heard of any Church or Assembly according to y<sup>e</sup> Chirch of England in any the Collonyes; their Ecclesiasticall Governm<sup>t</sup> is as in their Lawbookes, & practice most or wholly Independant, their Colledge att Cambridge directed as by their Lawbooke.

17. There is a trade between the Collonyes & New Yorke of European goods Some wine & Rumm, ffish & Provisions.

ANDROS.S.

[*Endorsed*] Answer to Inquiry ab<sup>t</sup> New England.

Rec<sup>d</sup> from S<sup>r</sup> Edm. Andros On the 16<sup>th</sup> of Ap: 1678.

Ent: & Comp: B: N: E: p: 249.

Read in part 16<sup>th</sup>. of May 1678.

RANDOLPH'S PETITION THAT HIS FRIENDS IN BOSTON BE  
NOT INJURED, &c.

*State Papers, Colonial, Entry Book 105, p. 246.*

At the Cōmittee of Trade and Plantaçons  
In the Council-Chamber at Whitehall  
Thurſday the 18<sup>th</sup> of April 1678.

Present: Lord Privy Seale, Earl of Bridgewater, Earl of Effex, Earl of Craven, M<sup>r</sup> Vice Chamberlane, M<sup>r</sup> Sec<sup>ry</sup> Williamſon.

*New-England.* The Petiçon of M<sup>r</sup> Randolph is read ſetting forth, That the Petitioner being ſent by His Ma<sup>ty</sup> into New England, and impowred to make ſeveral privat Inquirys into y<sup>e</sup> State of matters that had been variouſly repreſented here, and of much conſequence to His Ma<sup>ty</sup> to know the

truth

truth thereof, hee had, at his return, presented His Ma<sup>y</sup> with a Narrative freely setting forth what hee had observed in reference to Persons and Things. That the said Agents having, by indirect means, obtained knowledge of the said Narrative, and sent a Copie thereof to their Superiors, had not only disclosed, thereby, His Ma<sup>y</sup>'s Secrets, but laid a Foundation of ruine to such persons whom hee had, therein, represented in characters of loyalty, and inclinable to His Royal Service. That, in manifestation hereof, the General Court of that Colony had lately enacted that an Oath of Fidelity to the Country should bee taken by as well Strangers, as Inhabitants. And in default thereof to bee treated as Capital Offenders and deprived of the protection either of their Laws or Government. And therefore the Petitioner humbly prays His Ma<sup>tie</sup> to Order that noe distinctions or discountenance should bee put on such as refused the said Test, or who were favourable to the Petitioner during his stay, or that have corresponded with him since; in order to assert His Ma<sup>ties</sup> Authority there.

Answer of the Agents.

In answer whereunto the Agents (being called in) acknowledge that, in the Assembly sitting at Boston in October last, there passed a Law for administering the Vsual Oath of Fidelity to the Country vnto such as had not taken it before, by reason of several malicious endeavors for Firing the Towne, which was fomented by the Quakers. That the said Oath does alsoe comprehend Allegiance to His Ma<sup>y</sup> and that they cannot beleeeve there was intended any thing of detriment to the persons named by M<sup>r</sup> Randolph with favour. Inasmuch as some who

Oath of Fidelity to ye Country.

who left Boston in February last, were ready, at the door, to attest that none of them have received any prejudice thereby. And that this Oath was not to bee administred to any but those who had not taken the same before, It being the old and Vsual Oath.

*M<sup>r</sup>. Randolph.* But *M<sup>r</sup>. Randolph*, being present, does allege that this Oath was made at the very time their General Court did acknowledge to have received, from their Agents, intimation of what was here vnder consultation before His Ma<sup>y</sup>, and probably surmising there might ensue some alteration in the modell of their Goverment they, by way of Test and discrimination, revived the imposing this Oath anew; where noe mention is made in the Act, to limit it to such as had not taken the Oath before, but the words are general And that not only to bee imposed in the Towne where the danger of Fire was pretended, but even over the whole Country, and that by going from house to house. That for the Allegiance therein mentioned to His Ma<sup>y</sup> it comes in but in the second place, and not with y<sup>e</sup> solemnity that is requisite. That although hee could not give any instances of detriment hitherto befallen any of his said freinds; yet hee well remembers the great complaints hee heard while there of the hard vsage which had befallen those loyal subjects who had submitted to His Ma<sup>y</sup>'s Comissioners, sent over in y<sup>e</sup> yeare 1664; and, in Verification thereof, hee quoted His Ma<sup>y</sup>'s Letter sent over in 1666, charging and requiring that Goverment to forbear any marks of distinction and disfavor to such as had expressed their loyalty and obedience to the said Comissioners.

The Agents endeavor to mitigate any apprehension of ill  
that



that could possibly befall the parties soe favorably mentioned  
The Agents. by M<sup>r</sup> Randolph And that they would answer  
 it here to His Ma<sup>y</sup> at their perils. That, by their advices,  
 it did appear those Very freinds of M<sup>r</sup> Randolph were cheifly  
 instrumental in reviving this Oath; and that the Governor

M<sup>r</sup> Leveret  
y<sup>e</sup> Gov<sup>r</sup> M<sup>r</sup> Leveret had intimated his dissatisfaction at y<sup>e</sup>  
 passing the Act, considering the time, and that all  
 their business lay there depending before His Ma<sup>ty</sup> though  
 at the passing hereof His Ma<sup>ty</sup> intentions were not soe well  
 knowne. And as to the Forme of that Oath, and the expres-  
 sion therein made of Allegiance to His Ma<sup>y</sup> mixed with  
 Fidelity to the Country, they doe acknowledge that the  
 forme of it is very ill advised, and Very fit to bee reformed.  
 And they are well assured that if His Ma<sup>y</sup> shall enjoin the  
 Oath of Allegiance separate, and as by Law it is here estab-  
 lish't, it will not bee refused. And that they themselves,  
 though they have not hitherto taken such Oath, yet they  
 are ready to take it when required thereunto.

All which being heard on both sides, their Lo<sup>ps</sup> agree to  
Report. Report that M<sup>r</sup> Randolph hath had sufficient  
 ground to petition His Ma<sup>y</sup> And that, by the vnseasonable  
 enjoyning of this Oath, it looks very suspicious that all  
 things stand not soe faire, in reference to many of His Ma<sup>ty</sup>  
 good and loyal subjects there, as were to bee wished. For it  
 is manifest that Government had knowledge of the dislike  
 which was here expressed to the Forme of that Oath, Where  
 the Allegiance to His Ma<sup>ty</sup> seemes only grounded on their  
 Charter (which they have, hitherto, taken liberty to explain)  
 and not in Natural Obedience, where, by right, it lyes.

Soc that vpon the whole matter their Lo<sup>ps</sup> will advise that  
 His

His Ma<sup>y</sup> doe, by letter, signify His Resentment of the en-joyning that Oath; which, however intended, seemes to bee a Snare in y<sup>e</sup> way of many of His good subjects there, who attend His Royal Orders, and of whose preservation His Ma<sup>y</sup> will ever bee tender.

That the said Oath is derogatory to His Ma<sup>ty</sup> Honor, as well as defective in point of their owne duty. Inasmuch as their Allegiance to His Ma<sup>y</sup>, and their Fidelity to the Colony are joyned together in the same vndecent forme, and where such fidelity is made even to precede their Allegiance to His Ma<sup>y</sup>. That however His Ma<sup>y</sup> does not, for the present, prescribe what Forme may bee proper among themselves, and binding to each other; yet hee does strictly require and command that the Oath of Allegiance as it is by Law here established (and whereof a true copie shall bee sent vnto you) bee administred and taken by all His subjects within that Colony. And that although His Ma<sup>y</sup> have some other matters in consultation before Him, yet this being of soe fundamental a concerne to His dignity and Government, His Ma<sup>y</sup> could not, any longer, omit the signification of His pleasure therein, and does therefore require their obedience to the same.

RANDOLPH'S PETITION TO THE KING.

*State Papers, Colonial, Bundle 52 (142), 18 April 1678.*

To the King's most Excellent Majestie.

[M<sup>y</sup> Randolph.  
18th of April  
1678.] The humble Peti<sup>ti</sup>on of Edward Randolph in behalf of many of yo<sup>r</sup> Maj<sup>ty</sup> loyal Subjects living under the Governm<sup>t</sup> of the Bostoners in New England.

Humbly



Humbly Sheweth

[1]8 of April 1678.  
: N. E. p : 255. That yo<sup>r</sup> Pet<sup>r</sup> was sent with yo<sup>r</sup> Maj<sup>ty</sup> Letters to that Governm<sup>t</sup> with private Instructions also from the Right Hon<sup>ble</sup> the Lords of the Committee of Trade and Plantations for his Comportment there, That in pursuance thereof upon his returne, he presented yo<sup>r</sup> Maj<sup>ty</sup> with a Narrative of severall things for yo<sup>r</sup> Maj<sup>ty</sup> Service and Secresie.

That the Boston Agents by indirect means have obtained Coppies of the said Narrative, and without allowance or consent of yo<sup>r</sup> Maj<sup>ty</sup> or Ministers of State have sent over the same to their Superiors, thereby not only discovering yo<sup>r</sup> Maj<sup>ty</sup> Councils but have also laid a Scene of ruine to such persons whose Names I have either exprest in my papers, or are suspected of loyalty to yo<sup>r</sup> Maj<sup>ty</sup> And for the more certain discovery wherof As a Test have lately imposed an Oath of Fidelity to their Country to be taken by all persons aswell Strangers as Inhabitants under the penalty of being deprived the benefit of their Law, and protection of their Governm<sup>t</sup> and also to be proceeded against as Capital Offenders.

That there is a Shipp one Phillips Master by special leave now ready to proceed on his voyage for Boston in New England, and that by reason of the present Embargo, no other convenience is like to offer for a considerable time.

Yo<sup>r</sup> Pet<sup>r</sup> humbly prays yo<sup>r</sup> Maj<sup>ty</sup> to take the condition of yo<sup>r</sup> Distressed loyall Subjects into yo<sup>r</sup> Gracious consideration and to give them that Relief and protection by yo<sup>r</sup> Royal Orders to the Governm<sup>t</sup> of Boston, That no distinctions or discountenance whatsoever, be putt upon such as have refused

fused to take the said Test, or have been favourable to the pet' during his stay there, or corresponding with him since his departure, in order to assert yo' Maj<sup>ty</sup> Authority.

And yo' Pet' shall ever pray.

Read : 18: Ap: 1678:

Ent' N. E: 255.

REPORT FROM M<sup>r</sup> RANDOLPH CONCERNING Y<sup>r</sup> MASSACHU-  
SETTS GOVERN<sup>t</sup>.

*State Papers, Colonial, Bundle 52 (150), 18 April, 1678.*

May it please yo' Lordships

In obedience to yo' Lordships Commands signified unto me on the 25<sup>th</sup> of March last, that I should offer in writing what I have further to certifie unto yo' Lordships touching the evill practices and misdemeanors of the Magistrates that now hold the Governm<sup>t</sup> of the Massachusets Bay contrary to their Charter and the frequent Advices and Commands received from his Maj<sup>ty</sup>: I presume in the first place to take notice

That the Articles against the Bostoners which I abstracted from my Narrative stand in no part invalidated by the endeavors of the Agents now attending, Who have att several times confessed the particulars therof promising amendment and begging pardon for what is past.

I doe further declare my self ready to make out unto yo' Lordships all other particulars contained in the several Sheets of the said Narrative, which indeed the Agents doe confesse likewise by their not having offered any thing to the  
contrary.

contrary. But that I may enter upon New particulars I think it my duty to acquaint yo<sup>r</sup> Lordships

That these Boston Magistrates have not only injured their Neighbours on the North and East viz. M<sup>r</sup> Mafon and M<sup>r</sup> Gorges by a forceable extent of Grounds drawne from the Notion of their Imaginary Line, but have opprest even the Southerne Colonyes of New Plimouth and Connecticut violently enlarging their Bounds upon them as his Maj<sup>ty</sup> Comm<sup>rs</sup> formerly in 1665 and lately the Lords Cheif Justices have reported, terrifying those people into a compliance and quiet suffering by their overawing power.

That many of their Laws that are now in force are not only disagreeable, but repugnant to the Fundamental Laws of England, and contrary to the plaine intent of the Grand Charter, aswell as his Maj<sup>ty</sup> Expre<sup>s</sup> Commands, the most Notorious are as Followes.

It is sufficiently apparent that the First designe of this Colony was to enjoy liberty of Conscience and that his Maj<sup>ty</sup> hath likewise particularly enjoined That all persons of good and honest lives be admitted to the Sacrament of the Lords supper according to the Book of Common prayer, and their Children to Baptisme, Yet such is their pernicious practice herein, that instead hereof, Farr from the maine designe of bringing Infidels to Christianity, By the factious distinctions and privations in their Laws, many English Children, and full grown persons remaine without the Sacrament of Baptisme, in case their Parents, Grandfather or Grandmother have not been Church members, And many more are forbidden the Sacrament of the Lords supper, such Ministers as would administer the same being  
prohibited

prohibited by that Law Whereby no Minister is to be chosen but such as is in full communion, And the County Courts are obliged to purge their Towns and peculiars from all Ministry which shall be found (as they terme it) Heterodox. P<sup>a</sup> 41. By which they discourage a voluntary Reformation from their Arbitrary Independency.

Nor will they suffer any man by their Laws to preach publickly to any Company or people, where any Two Organick Churches, Councill of State, or General Court shall declare their dissatisfaction thereat either in Doctrine or Practice. Further they provide That whosoever with draws himself from the publick ministry settled amongst them shall for every such offence forfeit Five Shillings, by all which practices they obstruct the true Protestants in the exercise of their Religion, and terrifie the seduced people from a Compliance with the Church of England.

His Maj<sup>tie</sup> doth further enjoin That all Freeholders of Competent Estates not vicious in their conversations, and Orthodox in their Religion though of different persuasions concerning Church Government to have their votes in the Elections of all officers Military and Civill. Yet their Law provides That no man shall be admitted a Freeman unless he be in full Communion in some Church amongst them, thereby excluding the most and best affected to his Maj<sup>tie</sup> and the Church of England. And by an other Law order That all persons which refuse to attend the publick worshipping of God their established, be made incapable of voting in all Civill Assemblies.

That although his Maj<sup>tie</sup> commanded that in their Elections of G[overn<sup>r</sup> &] Magistrates there be only considera-

tion had to the vertue and integrity of the persons to be chosen and not of any Faction with reference to their opinion and outward profession Their Law directs that all Freemen preferre in their Elections the former Magistrates under penalty of Tenn pounds. by which means the first Founders of the Common Wealth are still continued in the Magistracy, and none (Except by Death) removed how obnoxious soever, Mr Leveret who was in actuall Armes against his Maj<sup>tie</sup> and turned out his Maj<sup>ty</sup> Justices of the peace in the province of Main, being present Governor, Mr Guggins (who after his Maj<sup>ty</sup> Commands of seizing the Murtherers of his late Maj<sup>tie</sup> came to that Government) harboured and protected Goffe and Whaley<sup>384</sup> is the last year againe Elected a Magistrate, Mr Hawthorne who being then a Magistrate was commanded by his Maj<sup>ty</sup> Letters of 1666 to attend upon his Allegiance at Whitehall but refused to appeare, is still in the Magistracy.

That by vertue of a Souveraigne Right (as they give it out) communicated to them in their Charter, they assume a power of allowing or rejecting any Law Royall Commands or Act of Parlement not agreeing with their Frame of Polity & Government

They sweare their Jurors to determine causes Civill and Criminal according to the Laws of that Country, without respect to the Laws of England, which are neither in the whole or in any part of them valid or pleadable in their  
Courts

<sup>384</sup> The original Warrant to arrest superscribed "Special order to search the regicides is in the possession of Mr. for Col whaley & Goffe. May: 11: Henry H. Edes of Cambridge. It is 1661."

Courts till fuch Laws or fuch part therof be received and voted fuch by a General Affembly.

All thefe Enormities and crimes I fhould have willingly paffed over were there any hopes of amendment left, Since befides their contempt of all his Maj<sup>ty</sup> Letters of 1662. 1664 and 1666, They have had little confideration in order to a redrefs of thefe Misdemeanors charged upon them by my Narrative and Articles, their General Court being defirous to be fecured only for what is paff by his Maj<sup>ty</sup> pardon and to be Enriched with the acceffion of New Government, with leave to purfue their former practice, For the maintenance wherof, Notwithstanding the Signification of his Maj<sup>ty</sup> pleasure That they fhould take the Oaths of Allegiance, They have lately at a General Court held at Bofton, cunningly contrived a Teft (upon the pretence of a Fire at Bofton) to be impofed upon all perfons afwell Inhabitants as Strangers to take the Oath of Fidelity to their Country throughout their Jurifdiction the Refufers wherof are not to have the benefit of the Law or protection from the Government.

And they have at the fame time for avoiding the confequences of their neglect of the Afts of Trade and Navigation made a Specious Law, with a more Specious preamble fetting forth That his Maj<sup>ty</sup> pleasure therein had not been before fignified unto them Either by Exprefs from his Maj<sup>ty</sup> or Minifters, Whereby they doe not only confefs their unlimited trading ever fince his Maj<sup>ty</sup> Reftauration But throw all the fault upon his Maj<sup>ty</sup> and Minifters, afraid to owne unto the people under their Government That they had for foe long time neglected their Duty and obedience to his  
Maj<sup>ty</sup>



Maj<sup>ty</sup> leaft those people which are for the most part loyal, and ready to execute his Maj<sup>ty</sup> Commands (if they were permitted thereto by their Superiours) should discover the profitable Intregues of their Government and take occasion (as formerly they have done) to remonstrate against the heavy preffures therof.

And it is further to be observed That they have taken foe little care to conforme themselves to the Decency of Truth, that although the present Magistrates and their Secretary Rawson had in 1663 confessed the Receipt of his Maj<sup>ty</sup> Orders to putt in Execution the said Acts of Parliament, as appears by an Act since printed by them, Yet now after foe many years and foe many Transgressions they are not willing to call to Remembrance the former signification of his Maj<sup>ty</sup> pleasure, concluding perhaps That the irregularities of their Governm<sup>t</sup> and Manners are foe little taken notice of by his Maj<sup>ty</sup> Ministers, that any formal assurance or Declaration coming from them shall blot out of all memory what they have formerly acknowledged, and therefore have most dishonorably and untruly taxed his Maj<sup>ty</sup> and his Ministers not to have within the Space of above Sixteen years informed the Court of Boston of their dutys whilst they themselves glad of that pretence have shutt their Eyes to such Acts as no part of the trading World but they have pretended ignorance of, and come now most disingeniously to declare That they would have given a more timely obedience if they had been more timely commanded.

Nor may I omitt to take notice That the Bostoners by reenacting this Act of parliament doe Encourage the English under their Government to beleieve That no Acts of  
Parliament

Parliament much less Orders from his Maj<sup>ty</sup> are in force with them, untill such time as their Governors in a General Court doe Enact and order them soe to be.

Lastly it is to be feared that the Boston Magistrates intend by this contrivance to acquit not only themselves and people of all imputation of disobedience, but shutt the Door against such as may lawfully by the said Acts of Parliament impeach them for their former Transgressions, since by this New Law all persons may plead the issue [of] this private Act, and Encourage them to hope that in time to come, another Act of Oblivion shall pass at the General Court of Boston, and his Maj<sup>ty</sup> remain soe farre satisfied, as to grant them his Royal pardon in confirmation of their own Acts.

Upon the whole matter it is most certain by what is before alleadged that by the convayance of their Agents They have long since been informed of the charge brought in against them for Misdemeanors contained in my Narrative and Articles. But it doth not appeare that after consideration had of them at Boston, they have thought fitt to give any redrefs, but have only taken time to order his Maj<sup>ty</sup> pardon to be Solicited with an increase of power upon their Neighbours, Nor am I informed by my Correspondants in New England, that they have gone about to give or take the Oaths of Allegiance or Supremacy, or that they have for any time suspended or repealed any of their unjust Laws, or even held their hand in Coining of money, or testified any inclination to the premises. But in opposition therto, as a greater manifestation of their Authority have given the Test aforefaid, to which they have annexed soe Severe and determinate

minate penalties, Whilest none are imposed on Such as disobey [the] Acts of Trade and Navigation.

Articles abstracted from the precedent paper against the Governm<sup>t</sup> of the Massachusets Bay in New England.

1. That the Governm<sup>t</sup> of the Massachusets is guilty of all the Crimes & Misdemeanors which I formerly exhibited in my Articles against them, even by the confession of their owne Petition, wherein they desire a pardon for the same.

2. That they have Encroached upon the Bounds of the Southerne Colonies in New England.

3. That the Fundamentall Laws of the Governm<sup>t</sup> are repugnant to the Laws of England.

4. That they doe not allow liberty of conscience nor the Exercise of the Religion professed by the Church of England, constraining all persons to be present at their Meetings.

5. That they admitt none to have share in the Governm<sup>t</sup> Except such as are in full Communion with them.

6. That they have acted contrary to their Charter and his Maj<sup>ty</sup> Commands in 1662 and others.

7. That they assume powers not granted in their Charter, intrenching upon his Maj<sup>ty</sup> Prerogative.

8. That instead of the oaths of Allegiance and Supremacy they have lately enforced an oath of Fidelity to be taken to the Country.

9. They permitt no Law of England, nor Act of Parliament to be in force there, Except first allowed and Enacted by them.

10. That they have falcely charged his Maj<sup>ty</sup> and his Ministers of State.

11. That they have not proceeded to any amendment of their Crimes and Misdemeanors confessed by them, although timely admonished therto.

ED: RANDOLPH:

[*Endorfed*] Discourfe of M<sup>r</sup> Randolph concerning  
the Maffachufets Government.

Read at the Committee  
this 18 of Aprill 1678.

Ent. & Comp: B: N: E:  
p: 267.

AGENTS TAKE OATH OF ALLEGIANCE; &c.

*State Papers, Colonial, Entry Book, 105, p. 255.*

At the Committee of Trade and Plantacons  
In the Council-Chamber at Whitehall  
Friday the 26<sup>th</sup> of April 1678.

Present: Lord Privy Seale, Earle of Bridgewater, Earle of Craven, Earle of Northampton, M<sup>r</sup> Chanc<sup>r</sup> of y<sup>e</sup> Excheq<sup>r</sup>, M<sup>r</sup> Sec<sup>ry</sup> Williamfon, M<sup>r</sup> Vice Chamberlane.

Agents of New-England Sworne. In purfuance of an Order in Council of the 24<sup>th</sup> instant, William Stoughton, and Peter Bulkley, Agents for the Corporation of y<sup>e</sup> Maffachufets Bay in New-England, are called in, and the Oath of Allegiance, as it is fet downe in the Statute of 3<sup>o</sup> Jacobi, is administred vnto them. After which these Gentlemen declare that as they have taken the said Oath, soe they beleewe the Magiftrats of the Maffachufets Colony, and all other Inhabitants, will

most willingly doe the like; except only such as refuse to take any Oath whatsoever.

Report.

Letter to N:  
England.

Mem<sup>d</sup> their Lo<sup>ps</sup> Report, about y<sup>e</sup> Oath of Allegiance to bee taken by y<sup>e</sup> Colony of y<sup>e</sup> Massachusetts, was, this day, approved in Council. And a Letter, accordingly dispatched by M<sup>r</sup> Sec<sup>y</sup> Williamfon on the 27<sup>th</sup>, was delivered vnto Capt. Philips (bound for New England) as appears by his Receipt of the 29<sup>th</sup> instant.





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